

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to transportation; amending s. 112.061,
8 F.S.; authorizing metropolitan planning organizations and
9 certain separate entities to establish per diem and travel
10 reimbursement rates; amending s. 121.021, F.S.; revising
11 the definition of "local agency employer" to include
12 metropolitan planning organizations and certain separate
13 entities for purposes of the Florida Retirement System
14 Act; revising the definition of "regularly established
15 position" to include positions in metropolitan planning
16 organizations; amending s. 121.051, F.S.; providing for
17 metropolitan planning organizations to participate in the
18 Florida Retirement System; amending s. 121.055, F.S.;
19 requiring certain metropolitan planning organization and
20 similar entity staff positions to be in the Senior
21 Management Service Class of the Florida Retirement System;
22 amending s. 121.061, F.S.; providing for enforcement of
23 certain employer funding contributions required under the

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24 Florida Retirement System; authorizing deductions of
25 amounts owed from certain funds distributed to a
26 metropolitan planning organization; authorizing the
27 governing body of a metropolitan planning organization to
28 file and maintain an action in court to require an
29 employer to remit retirement or social security member
30 contributions or employer matching payments; amending s.
31 121.081, F.S.; providing for metropolitan planning
32 organization officers and staff to claim past service for
33 retirement benefits; amending s. 316.605, F.S.; providing
34 height and placement requirements for vehicle license
35 plates; prohibiting display that obscures identification
36 of the letters and numbers on a license plate; providing
37 penalties; amending s. 316.650, F.S.; revising procedures
38 for disposition of citations issued for failure to pay
39 toll; providing that the citation will not be submitted to
40 the court and no points will be assessed on the driver's
41 license if the person cited elects to make payment
42 directly to the governmental entity that issued the
43 citation; providing for reporting of the citation by the
44 governmental entity to the Department of Highway Safety
45 and Motor Vehicles; amending s. 318.14, F.S.; providing
46 for the amount required to be paid under certain
47 procedures for disposition of a citation issued for
48 failure to pay toll; providing for the person cited to
49 request a court hearing; amending s. 318.18, F.S.;
50 revising penalties for failure to pay a prescribed toll;
51 providing for disposition of amounts received by the clerk

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52 | of court; revising procedures for withholding of
53 | adjudication; providing for suspension of a driver's
54 | license under certain circumstances; amending s. 320.061,
55 | F.S.; prohibiting interfering with the legibility, angular
56 | visibility, or detectability of any feature or detail on a
57 | license plate or interfering with the ability to
58 | photograph or otherwise record any feature or detail on a
59 | license plate; prohibiting advertising, sale,
60 | distribution, purchase, or use of any product made for
61 | such purpose; providing penalties; providing for a law
62 | enforcement officer to issue a citation and confiscate a
63 | cover or other device obstructing the visibility or
64 | electronic image recording of a plate or to confiscate a
65 | license plate physically treated with a substance or
66 | material that is obstructing the visibility or electronic
67 | image recording of the plate; requiring the Department of
68 | Highway Safety and Motor Vehicles to revoke the
69 | registration of a plate so altered; providing for the
70 | Attorney General to file suit against any entity offering
71 | or marketing a product advertised as having the capacity
72 | to obstruct the visibility or electronic image recording
73 | of a license plate; renumbering and amending s. 336.044,
74 | F.S., relating to Department of Transportation use of
75 | recovered materials in construction programs; adding
76 | gypsum to the list of materials authorized for use in
77 | certain demonstration projects; amending s. 338.161, F.S.;
78 | providing for the Department of Transportation and certain
79 | toll agencies to enter into agreements with public or

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80 private entities for additional uses of electronic toll
81 collection products and services; amending s. 338.2216,
82 F.S.; changing the carryforward date on certain
83 undisbursed Florida Turnpike Enterprise funds; revising
84 the maximum amount that may be carried forward; amending
85 s. 338.2275, F.S.; raising the limit on outstanding bonds
86 to fund turnpike projects; amending s. 339.175, F.S.;
87 specifying that a metropolitan planning organization is a
88 separate legal entity independent of entities represented
89 on the M.P.O. and signatories to the agreement creating
90 the M.P.O.; providing for transfer of responsibilities and
91 liabilities to the new M.P.O. upon execution of a new
92 interlocal agreement by the governmental entities
93 constituting the M.P.O.; providing for selection of
94 certain officers; revising requirements for voting
95 membership; specifying certain constitutional and charter
96 officers are not elected officials of a general-purpose
97 local government for voting membership purposes;
98 establishing a process for appointing alternate members;
99 revising provisions for nonvoting advisers; revising
100 provisions for employment of staff by an M.P.O.; providing
101 for training of certain persons who serve on an M.P.O. for
102 certain purposes; providing additional powers and duties
103 of M.P.O.'s; directing M.P.O.'s to develop coordinated
104 transportation planning processes under certain
105 conditions; requiring a report; revising voting
106 requirements for approval of certain plans and programs
107 and amendments thereto; amending s. 20.23, F.S.; providing

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108 | that the salary and benefits of the executive director of
109 | the Florida Transportation Commission shall be set in
110 | accordance with the Senior Management Service; amending s.
111 | 332.007, F.S.; authorizing the Department of
112 | Transportation to provide funds for certain general
113 | aviation projects under certain circumstances;
114 | redesignating part X of chapter 348, F.S.; creating part X
115 | of chapter 348, F.S.; creating the "Osceola County
116 | Expressway Authority Law"; providing definitions; creating
117 | the authority as an agency of the state; providing for
118 | membership, terms, organization, personnel, and
119 | administration; providing purposes and powers for
120 | construction, expansion, maintenance, improvement, and
121 | operation of the Osceola County Expressway System;
122 | providing for use of certain funds to pay obligations;
123 | requiring consent of local and county jurisdiction for
124 | agreements that would restrict construction of roads;
125 | providing for bond financing of improvements to certain
126 | facilities; providing for issuance of bonds; providing for
127 | rights and remedies granted to bondholders; providing for
128 | appointment of a trustee to represent the bondholders;
129 | providing for appointment of a receiver to take possession
130 | of and operate and maintain the system; providing for
131 | lease of the system to the Department of Transportation
132 | under a lease-purchase agreement; authorizing the
133 | department to act in place of the authority under terms of
134 | the lease-purchase agreement; requiring approval by the
135 | county for certain provisions of the lease-purchase

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136 agreement; providing that the system is part of the state
137 road system; authorizing the department to expend a
138 limited amount of funds; providing for the authority to
139 appoint the department as its agent for certain
140 construction purposes; authorizing the authority to
141 acquire property; limiting liability of the authority for
142 contamination existing on an acquired property; providing
143 for remedial acts necessary due to such contamination;
144 authorizing agreements between the authority and other
145 entities; providing a pledge of the state to bondholders;
146 exempting the authority from taxation; providing for
147 application and construction of the part; amending s.
148 373.036, F.S.; correcting a cross-reference; amending s.
149 373.406, F.S.; exempting certain transportation projects
150 from certain requirements for management and storage of
151 surface waters; amending ss. 373.4135 and 373.4136, F.S.;
152 correcting cross-references; amending s. 373.414, F.S.;
153 exempting certain transportation projects and activities
154 from specified public-interest criteria relating to
155 surface waters and wetlands; amending s. 373.4145, F.S.;
156 exempting certain transportation projects and activities
157 within the geographical jurisdiction of the Northwest
158 Florida Water Management District from certain permitting
159 requirements; creating s. 373.4146, F.S.; specifying
160 transportation projects and activities that are exempt
161 from certain requirements for management and storage of
162 surface waters; providing for application of certain
163 requirements relating to stormwater discharge, impact

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164 review, acreage thresholds, wetland impacts and general
165 permits, and minimum width or acreage restrictions on
166 stormwater treatment facilities; directing the Department
167 of Environmental Protection, the water management
168 districts, and the Department of Transportation to develop
169 memorandums of understanding relating to the use of
170 sovereign submerged lands or other state-owned lands, a
171 method for determining the seasonal high groundwater table
172 elevation, and best management practices to treat or
173 minimize identified constituents of highway stormwater
174 runoff; providing for application of the memorandums to
175 transportation projects and activities; amending s.
176 348.0003, F.S.; revising the membership of expressway
177 authority governing boards in certain counties; amending
178 s. 348.0004, F.S.; providing for public notice of a
179 proposed toll increase by certain expressway authorities;
180 authorizing a transportation authority, bridge authority,
181 or toll authority to receive or solicit proposals and
182 enter into agreements with private entities for certain
183 transportation facility purposes; providing for
184 application of specified provisions to use of certain
185 additional powers by certain expressway authorities,
186 transportation authorities, bridge authorities, or toll
187 authorities; amending s. 348.754, F.S.; authorizing the
188 Orlando-Orange County Expressway Authority to waive
189 payment and performance bonds on certain construction
190 contracts if the contract is awarded pursuant to an
191 economic development program for the encouragement of

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192 local small businesses; providing criteria for
193 participation in the program; providing criteria for the
194 bond waiver; providing for certain determinations by the
195 authority's executive director or a designee as to the
196 suitability of a project; providing for certain payment
197 obligations if a payment and performance bond is waived;
198 requiring the authority to record notice of the
199 obligation; limiting eligibility to bid on the projects;
200 providing for the authority to conduct bond eligibility
201 training for certain businesses; requiring the authority
202 to submit biennial reports to the Orange County
203 legislative delegation; amending s. 212.055, F.S. ;
204 renaming the Charter County Transit System Surtax as the
205 County Transportation System Surtax; authorizing all
206 counties to levy a discretionary sales surtax upon
207 approval by the governing body and the electorate of the
208 county; providing for distribution to the county and
209 municipalities by interlocal agreement or a certain
210 apportionment formula; providing for distribution of the
211 surtax by certain charter counties; providing for
212 application to certain counties in which the surtax
213 currently exists; providing for application to existing
214 agreements; revising authorized uses of the surtax to
215 include bicycle and pedestrian facilities, certain
216 transportation projects and transit programs, certain
217 capital improvements, and concurrency management;
218 directing the Department of Transportation to conduct a
219 study of the access roads to pari-mutuel facilities and

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220 Indian reservation lands where gaming activities occur;
 221 providing for content of the study; requiring a report to
 222 the Governor and the Legislature; providing an effective
 223 date.

224

225 Be It Enacted by the Legislature of the State of Florida:

226

227 Section 1. Subsection (14) of section 112.061, Florida
 228 Statutes, is amended to read:

229 112.061 Per diem and travel expenses of public officers,
 230 employees, and authorized persons.--

231 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 232 SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

233 (a) Rates that exceed the maximum travel reimbursement
 234 rates for nonstate travelers specified in paragraph (6)(a) for
 235 per diem, in paragraph (6)(b) for subsistence, and in
 236 subparagraph (7)(d)1. for mileage may be established by:

237 1. The governing body of a county by the enactment of an
 238 ordinance or resolution;

239 2. A county constitutional officer, pursuant to s. 1(d),
 240 Art. VIII of the State Constitution, by the establishment of
 241 written policy;

242 3. The governing body of a district school board by the
 243 adoption of rules; ~~or~~

244 4. The governing body of a special district, as defined in
 245 s. 189.403(1), except those special districts that are subject
 246 to s. 166.021(10), by the enactment of a resolution; or

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247 5. Any metropolitan planning organization created pursuant
 248 to s. 339.175, or any separate legal or administrative entity
 249 created pursuant to s. 339.175 of which a metropolitan planning
 250 organization is a member, by enactment of a resolution.

251 (b) Rates established pursuant to paragraph (a) must apply
 252 uniformly to all travel by the county, county constitutional
 253 officer and entity governed by that officer, district school
 254 board, or special district.

255 (c) Except as otherwise provided in this subsection,
 256 counties, county constitutional officers and entities governed
 257 by those officers, district school boards, and special
 258 districts, other than those subject to s. 166.021(10), remain
 259 subject to the requirements of this section.

260 Section 2. Paragraph (a) of subsection (42) and paragraph
 261 (b) of subsection (52) of section 121.021, Florida Statutes, are
 262 amended to read:

263 121.021 Definitions.--The following words and phrases as
 264 used in this chapter have the respective meanings set forth
 265 unless a different meaning is plainly required by the context:

266 (42) (a) "Local agency employer" means the board of county
 267 commissioners or other legislative governing body of a county,
 268 however styled, including that of a consolidated or metropolitan
 269 government; a clerk of the circuit court, sheriff, property
 270 appraiser, tax collector, or supervisor of elections, provided
 271 such officer is elected or has been appointed to fill a vacancy
 272 in an elective office; a community college board of trustees or
 273 district school board; or the governing body of any city,
 274 metropolitan planning organization created pursuant to s.

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275 | 339.175, or any separate legal or administrative entity created
276 | pursuant to s. 339.175, or special district of the state which
277 | participates in the system for the benefit of certain of its
278 | employees.

279 | (52) "Regularly established position" is defined as
280 | follows:

281 | (b) In a local agency (district school board, county
282 | agency, community college, city, metropolitan planning
283 | organization, or special district), the term means a regularly
284 | established position which will be in existence for a period
285 | beyond 6 consecutive months, except as provided by rule.

286 | Section 3. Paragraph (b) of subsection (2) of section
287 | 121.051, Florida Statutes, is amended to read:

288 | 121.051 Participation in the system.--

289 | (2) OPTIONAL PARTICIPATION.--

290 | (b)1. The governing body of any municipality, metropolitan
291 | planning organization, or special district in the state may
292 | elect to participate in the system upon proper application to
293 | the administrator and may cover all or any of its units as
294 | approved by the Secretary of Health and Human Services and the
295 | administrator. The department shall adopt rules establishing
296 | provisions for the submission of documents necessary for such
297 | application. Prior to being approved for participation in the
298 | Florida Retirement System, the governing body of any such
299 | municipality, metropolitan planning organization, or special
300 | district that has a local retirement system shall submit to the
301 | administrator a certified financial statement showing the
302 | condition of the local retirement system as of a date within 3

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303 months prior to the proposed effective date of membership in the
304 Florida Retirement System. The statement must be certified by a
305 recognized accounting firm that is independent of the local
306 retirement system. All required documents necessary for
307 extending Florida Retirement System coverage must be received by
308 the department for consideration at least 15 days prior to the
309 proposed effective date of coverage. If the municipality,
310 metropolitan planning organization, or special district does not
311 comply with this requirement, the department may require that
312 the effective date of coverage be changed.

313 2. Any city, metropolitan planning organization, or
314 special district that has an existing retirement system covering
315 the employees in the units that are to be brought under the
316 Florida Retirement System may participate only after holding a
317 referendum in which all employees in the affected units have the
318 right to participate. Only those employees electing coverage
319 under the Florida Retirement System by affirmative vote in said
320 referendum shall be eligible for coverage under this chapter,
321 and those not participating or electing not to be covered by the
322 Florida Retirement System shall remain in their present systems
323 and shall not be eligible for coverage under this chapter. After
324 the referendum is held, all future employees shall be compulsory
325 members of the Florida Retirement System.

326 3. The governing body of any city, metropolitan planning
327 organization, or special district complying with subparagraph 1.
328 may elect to provide, or not provide, benefits based on past
329 service of officers and employees as described in s. 121.081(1).
330 However, if such employer elects to provide past service

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331 benefits, such benefits must be provided for all officers and
332 employees of its covered group.

333 4. Once this election is made and approved it may not be
334 revoked, except pursuant to subparagraphs 5. and 6., and all
335 present officers and employees electing coverage under this
336 chapter and all future officers and employees shall be
337 compulsory members of the Florida Retirement System.

338 5. Subject to the conditions set forth in subparagraph 6.,
339 the governing body of any hospital licensed under chapter 395
340 which is governed by the board of a special district as defined
341 in s. 189.403(1) or by the board of trustees of a public health
342 trust created under s. 154.07, hereinafter referred to as
343 "hospital district," and which participates in the system, may
344 elect to cease participation in the system with regard to future
345 employees in accordance with the following procedure:

346 a. No more than 30 days and at least 7 days before
347 adopting a resolution to partially withdraw from the Florida
348 Retirement System and establish an alternative retirement plan
349 for future employees, a public hearing must be held on the
350 proposed withdrawal and proposed alternative plan.

351 b. From 7 to 15 days before such hearing, notice of intent
352 to withdraw, specifying the time and place of the hearing, must
353 be provided in writing to employees of the hospital district
354 proposing partial withdrawal and must be published in a
355 newspaper of general circulation in the area affected, as
356 provided by ss. 50.011-50.031. Proof of publication of such
357 notice shall be submitted to the Department of Management
358 Services.

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359 c. The governing body of any hospital district seeking to
360 partially withdraw from the system must, before such hearing,
361 have an actuarial report prepared and certified by an enrolled
362 actuary, as defined in s. 112.625(3), illustrating the cost to
363 the hospital district of providing, through the retirement plan
364 that the hospital district is to adopt, benefits for new
365 employees comparable to those provided under the Florida
366 Retirement System.

367 d. Upon meeting all applicable requirements of this
368 subparagraph, and subject to the conditions set forth in
369 subparagraph 6., partial withdrawal from the system and adoption
370 of the alternative retirement plan may be accomplished by
371 resolution duly adopted by the hospital district board. The
372 hospital district board must provide written notice of such
373 withdrawal to the division by mailing a copy of the resolution
374 to the division, postmarked no later than December 15, 1995. The
375 withdrawal shall take effect January 1, 1996.

376 6. Following the adoption of a resolution under sub-
377 subparagraph 5.d., all employees of the withdrawing hospital
378 district who were participants in the Florida Retirement System
379 prior to January 1, 1996, shall remain as participants in the
380 system for as long as they are employees of the hospital
381 district, and all rights, duties, and obligations between the
382 hospital district, the system, and the employees shall remain in
383 full force and effect. Any employee who is hired or appointed on
384 or after January 1, 1996, may not participate in the Florida
385 Retirement System, and the withdrawing hospital district shall
386 have no obligation to the system with respect to such employees.

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387 Section 4. Paragraph (1) is added to subsection (1) of
388 section 121.055, Florida Statutes, to read:

389 121.055 Senior Management Service Class.--There is hereby
390 established a separate class of membership within the Florida
391 Retirement System to be known as the "Senior Management Service
392 Class," which shall become effective February 1, 1987.

393 (1)

394 (1) For each metropolitan planning organization that has
395 opted to become part of the Florida Retirement System,
396 participation in the Senior Management Service Class shall be
397 compulsory for the executive director or staff director of that
398 metropolitan planning organization or similar entity created
399 pursuant to s. 339.175.

400 Section 5. Paragraphs (a) and (c) of subsection (2) of
401 section 121.061, Florida Statutes, are amended to read:

402 121.061 Funding.--

403 (2) (a) Should any employer other than a state employer
404 fail to make the retirement and social security contributions,
405 both member and employer contributions, required by this
406 chapter, then, upon request by the administrator, the Department
407 of Revenue or the Department of Financial Services, as the case
408 may be, shall deduct the amount owed by the employer from any
409 funds to be distributed by it to the county, city, metropolitan
410 planning organization, special district, or consolidated form of
411 government. The amounts so deducted shall be transferred to the
412 administrator for further distribution to the trust funds in
413 accordance with this chapter.

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414 (c) The governing body of each county, city, metropolitan
415 planning organization, special district, or consolidated form of
416 government participating under this chapter or the
417 administrator, acting individually or jointly, is hereby
418 authorized to file and maintain an action in the courts of the
419 state to require any employer to remit any retirement or social
420 security member contributions or employer matching payments due
421 the retirement or social security trust funds under the
422 provisions of this chapter.

423 Section 6. Paragraphs (a), (b), and (e) of subsection (1)
424 of section 121.081, Florida Statutes, are amended to read:

425 121.081 Past service; prior service;
426 contributions.--Conditions under which past service or prior
427 service may be claimed and credited are:

428 (1) (a) Past service, as defined in s. 121.021(18), may be
429 claimed as creditable service by officers or employees of a
430 city, metropolitan planning organization, or special district
431 that become a covered group under this system. The governing
432 body of a covered group in compliance with s. 121.051(2)(b) may
433 elect to provide benefits with respect to past service earned
434 prior to January 1, 1975, in accordance with this chapter, and
435 the cost for such past service shall be established by applying
436 the following formula: The member contribution for both regular
437 and special risk members shall be 4 percent of the gross annual
438 salary for each year of past service claimed, plus 4-percent
439 employer matching contribution, plus 4 percent interest thereon
440 compounded annually, figured on each year of past service, with
441 interest compounded from date of annual salary earned until July

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442 1, 1975, and 6.5 percent interest compounded annually thereafter
443 until date of payment. Once the total cost for a member has been
444 figured to date, then after July 1, 1975, 6.5 percent compounded
445 interest shall be added each June 30 thereafter on any unpaid
446 balance until the cost of such past service liability is paid in
447 full. The following formula shall be used in calculating past
448 service earned prior to January 1, 1975: (Annual gross salary
449 multiplied by 8 percent) multiplied by the 4 percent or 6.5
450 percent compound interest table factor, as may be applicable.
451 The resulting product equals cost to date for each particular
452 year of past service.

453 (b) Past service earned after January 1, 1975, may be
454 claimed by officers or employees of a city, metropolitan
455 planning organization, or special district that becomes a
456 covered group under this system. The governing body of a covered
457 group may elect to provide benefits with respect to past service
458 earned after January 1, 1975, in accordance with this chapter,
459 and the cost for such past service shall be established by
460 applying the following formula: The employer shall contribute an
461 amount equal to the contribution rate in effect at the time the
462 service was earned, multiplied by the employee's gross salary
463 for each year of past service claimed, plus 6.5 percent interest
464 thereon, compounded annually, figured on each year of past
465 service, with interest compounded from date of annual salary
466 earned until date of payment.

467 (e) Past service, as defined in s. 121.021(18), may be
468 claimed as creditable service by a member of the Florida
469 Retirement System who formerly was an officer or employee of a

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470 | city, metropolitan planning organization, or special district,
471 | notwithstanding the status or form of the retirement system, if
472 | any, of that city, metropolitan planning organization, or
473 | special district and irrespective of whether officers or
474 | employees of that city, metropolitan planning organization, or
475 | special district now or hereafter become a covered group under
476 | the Florida Retirement System. Such member may claim creditable
477 | service and be entitled to the benefits accruing to the regular
478 | class of members as provided for the past service claimed under
479 | this paragraph by paying into the retirement trust fund an
480 | amount equal to the total actuarial cost of providing the
481 | additional benefit resulting from such past-service credit,
482 | discounted by the applicable actuarial factors to date of
483 | retirement.

484 | Section 7. Subsection (1) of section 316.605, Florida
485 | Statutes, is amended to read:

486 | 316.605 Licensing of vehicles.--

487 | (1) Every vehicle, at all times while driven, stopped, or
488 | parked upon any highways, roads, or streets of this state, shall
489 | be licensed in the name of the owner thereof in accordance with
490 | the laws of this state unless such vehicle is not required by
491 | the laws of this state to be licensed in this state and shall,
492 | except as otherwise provided in s. 320.0706 for front-end
493 | registration license plates on truck tractors and s. 320.086(5)
494 | which exempts display of license plates on described former
495 | military vehicles, display the license plate or both of the
496 | license plates assigned to it by the state, one on the rear and,
497 | if two, the other on the front of the vehicle, each to be

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498 securely fastened to the vehicle outside the main body of the
499 vehicle not higher than 60 inches and not lower than 12 inches
500 from the ground and in such manner as to prevent the plates from
501 swinging, and all letters, numerals, printing, writing, and
502 other identification marks upon the plates regarding the word
503 "Florida," the registration decal, and the alphanumeric
504 designation shall be clear and distinct and free from
505 defacement, mutilation, grease, and other obscuring matter, so
506 that they will be plainly visible and legible at all times 100
507 feet from the rear or front. Vehicle license plates shall be
508 affixed and displayed in such a manner that the letters and
509 numerals shall be read from left to right parallel to the
510 ground. No vehicle license plate may be displayed in an inverted
511 or reversed position or in such a manner that the letters and
512 numbers and their proper sequence are not readily identifiable.
513 Nothing shall be placed upon the face of a Florida plate except
514 as permitted by law or by rule or regulation of a governmental
515 agency. No license plates other than those furnished by the
516 state shall be used. However, if the vehicle is not required to
517 be licensed in this state, the license plates on such vehicle
518 issued by another state, by a territory, possession, or district
519 of the United States, or by a foreign country, substantially
520 complying with the provisions hereof, shall be considered as
521 complying with this chapter. A violation of this subsection is a
522 noncriminal traffic infraction, punishable as a nonmoving
523 violation as provided in chapter 318.

524 Section 8. Paragraph (b) of subsection (3) of section
525 316.650, Florida Statutes, is amended to read:

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526 | 316.650 Traffic citations.--

527 | (3)

528 | (b) If a traffic citation is issued pursuant to s.
529 | 316.1001, a traffic enforcement officer may deposit the original
530 | and one copy of such traffic citation or, in the case of a
531 | traffic enforcement agency that has an automated citation
532 | system, may provide an electronic facsimile with a court having
533 | jurisdiction over the alleged offense or with its traffic
534 | violations bureau within 45 days after the date of issuance of
535 | the citation to the violator. If the person cited for the
536 | violation of s. 316.1001 makes the election provided by s.
537 | 318.14(12) and pays the fine imposed by the toll authority plus
538 | the amount of the unpaid toll that is shown on the traffic
539 | citation directly to the governmental entity that issued the
540 | citation in accordance with s. 318.14(12), the traffic citation
541 | will not be submitted to the court, the disposition will be
542 | reported to the department by the governmental entity that
543 | issued the citation, and no points will be assessed against the
544 | person's driver's license.

545 | Section 9. Subsection (12) of section 318.14, Florida
546 | Statutes, is amended to read:

547 | 318.14 Noncriminal traffic infractions; exception;
548 | procedures.--

549 | (12) Any person cited for a violation of s. 316.1001 may,
550 | in lieu of making an election as set forth in subsection (4) or
551 | s. 318.18(7), elect to pay a his or her fine of \$25, or such
552 | other amount as imposed by the toll authority, plus the amount
553 | of the unpaid toll that is shown on the traffic citation

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554 directly to the governmental entity that issued the citation,
 555 within 30 days after the date of issuance of the citation. Any
 556 person cited for a violation of s. 316.1001 who does not elect
 557 to pay the fine imposed by the toll authority plus the amount of
 558 the unpaid toll that is shown on the traffic citation directly
 559 to the governmental entity that issued the citation as described
 560 in this subsection ~~section~~ shall have an additional 45 days
 561 after the date of the issuance of the citation in which to
 562 request a court hearing or to pay the civil penalty and
 563 delinquent fee, if applicable, as provided in s. 318.18(7),
 564 either by mail or in person, in accordance with subsection (4).

565 Section 10. Subsection (7) of section 318.18, Florida
 566 Statutes, is amended to read:

567 318.18 Amount of civil penalties.--The penalties required
 568 for a noncriminal disposition pursuant to s. 318.14 are as
 569 follows:

570 (7) Mandatory \$150 plus the amount of the unpaid toll
 571 shown on the traffic citation for each citation issued ~~One~~
 572 ~~hundred dollars~~ for a violation of s. 316.1001. The clerk of the
 573 court shall forward \$50 of the \$150 fine received plus the
 574 amount of the unpaid toll that is shown on the citation to the
 575 governmental entity that issued the citation. If adjudication is
 576 withheld or there is a plea arrangement prior to a hearing,
 577 there shall be a minimum mandatory cost assessed per citation of
 578 \$100 plus the amount of the unpaid toll for each citation
 579 issued. The clerk of the court shall forward \$50 of the \$100
 580 plus the amount of the unpaid toll as shown on the citation to
 581 the governmental entity that issued the citation. The court

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582 shall have specific authority to consolidate issued citations
 583 for the same defendant for the purpose of sentencing and
 584 aggregate jurisdiction. In addition, the department shall
 585 suspend for 60 days the driver's license of a person who is
 586 convicted of 10 violations of s. 316.1001 within a 36-month
 587 period. ~~However, a person may elect to pay \$30 to the clerk of~~
 588 ~~the court, in which case adjudication is withheld, and no points~~
 589 ~~are assessed under s. 322.27. Upon receipt of the fine, the~~
 590 ~~clerk of the court must retain \$5 for administrative purposes~~
 591 ~~and must forward the \$25 to the governmental entity that issued~~
 592 ~~the citation.~~ Any funds received by a governmental entity for
 593 this violation may be used for any lawful purpose related to the
 594 operation or maintenance of a toll facility.

595 Section 11. Section 320.061, Florida Statutes, is amended
 596 to read:

597 320.061 Unlawful to alter motor vehicle registration
 598 certificates, license plates, mobile home stickers, or
 599 validation stickers or to obscure license plates; penalty.--

600 (1) No person shall alter the original appearance of any
 601 registration license plate, mobile home sticker, validation
 602 sticker, or vehicle registration certificate issued for and
 603 assigned to any motor vehicle or mobile home, whether by
 604 mutilation, alteration, defacement, or change of color or in any
 605 other manner. Any person who violates ~~the provisions of this~~
 606 subsection commits ~~section is guilty of~~ a misdemeanor of the
 607 second degree, punishable as provided in s. 775.082 or s.
 608 775.083.

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609 (2) (a) No person shall apply or attach any substance,
610 reflective matter, illuminated device, spray, coating, covering,
611 or other material onto or around any license plate that
612 interferes with the legibility, angular visibility, or
613 detectability of any feature or detail on the license plate or
614 interferes with the ability to photograph or otherwise record
615 any feature or detail on the license plate. The advertising,
616 sale, distribution, purchase, or use of any product made for the
617 purpose of interfering with the legibility, angular visibility,
618 or detectability of any feature or detail on a license plate or
619 interfering with the ability to photograph or otherwise record
620 any feature or detail on a license plate is prohibited. Any
621 person who violates this paragraph commits a misdemeanor of the
622 second degree, punishable as provided in s. 775.082 or s.
623 775.083.

624 (b) If a state or local law enforcement officer having
625 jurisdiction observes that a cover or other device is
626 obstructing the visibility or electronic image recording of a
627 license plate, the officer shall issue a uniform traffic
628 citation and shall confiscate the cover or other device that
629 obstructs the visibility or electronic image recording of the
630 plate. If a state or local law enforcement officer having
631 jurisdiction observes that a license plate has been physically
632 treated with a substance, reflective matter, spray, coating, or
633 other material that is obstructing the visibility or electronic
634 image recording of the plate, the officer shall issue a uniform
635 traffic citation and shall confiscate the plate. The department
636 shall revoke the registration of any plate that has been found

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637 by a court to have been physically altered with any chemical or
638 reflective substance or coating that obstructs the visibility or
639 electronic image recording of the plate.

640 (c) The Attorney General may file suit against any
641 individual or entity offering or marketing the sale of,
642 including via the Internet, any product advertised as having the
643 capacity to obstruct the visibility or electronic image
644 recording of a license plate. In addition to injunctive and
645 monetary relief, punitive damages, and attorney's fees, the suit
646 shall also seek a full accounting of the records of all sales to
647 residents of or entities within this state.

648 Section 12. Section 336.044, Florida Statutes, is
649 renumbered as section 334.70, Florida Statutes, and amended to
650 read:

651 334.70 ~~336.044~~ Use of recyclable materials in
652 construction.--

653 (1) It is the intent of the Legislature that the
654 Department of Transportation continue to expand its current use
655 of recovered materials in its construction programs.

656 (2) The Legislature declares it to be in the public
657 interest to find alternative ways to use certain recyclable
658 materials that currently are part of the solid waste stream and
659 that contribute to problems of declining space in landfills. To
660 determine the feasibility of using certain recyclable materials
661 for paving materials, the department may undertake demonstration
662 projects using the following materials in road construction:

663 (a) Ground rubber from automobile tires in road
664 resurfacing or subbase materials for roads.†

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665 (b) Ash residue from coal combustion byproducts for
666 concrete and ash residue from waste incineration facilities and
667 oil combustion byproducts for subbase material.~~†~~

668 (c) Recycled mixed-plastic material for guardrail posts or
669 right-of-way fence posts.~~†~~

670 (d) Construction steel, including reinforcing rods and I-
671 beams, manufactured from scrap metals disposed of in the state.~~†~~
672 and

673 (e) Glass~~†~~ and glass aggregates.

674 (f) Gypsum.

675 (3) The department shall review and revise existing bid
676 procedures and specifications for the purchase or use of
677 products and materials to eliminate any procedures and
678 specifications that explicitly discriminate against products and
679 materials with recycled content, except where such procedures
680 and specifications are necessary to protect the health, safety,
681 and welfare of the people of this state.

682 (4) The department shall review and revise its bid
683 procedures and specifications on a continuing basis to encourage
684 the use of products and materials with recycled content and
685 shall, in developing new procedures and specifications,
686 encourage the use of products and materials with recycled
687 content.

688 (5) All agencies shall cooperate with the department in
689 carrying out the provisions of this section.

690 Section 13. Subsection (3) is added to section 338.161,
691 Florida Statutes, to read:

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692 338.161 Authority of department to advertise and promote
693 electronic toll collection.--

694 (3) The department or any toll agency created by statute
695 is authorized to incur expenses and advertise or promote
696 electronic toll collection through agreements with any private
697 or public entity that provides for additional uses of its
698 electronic toll collection products and services on or off the
699 turnpike or toll system, provided that the department or toll
700 agency has determined it can increase nontoll revenues or add
701 convenience or other value for its customers.

702 Section 14. Paragraph (b) of subsection (3) of section
703 338.2216, Florida Statutes, is amended to read:

704 338.2216 Florida Turnpike Enterprise; powers and
705 authority.--

706 (3)

707 (b) Notwithstanding the provisions of s. 216.301 to the
708 contrary and in accordance with s. 216.351, the Executive Office
709 of the Governor shall, on July 1 of each year, certify forward
710 all unexpended funds appropriated or provided pursuant to this
711 section for the turnpike enterprise. Of the unexpended funds
712 certified forward, any unencumbered amounts shall be carried
713 forward. Such funds carried forward shall not exceed 5 percent
714 of the original approved total operating budget, as defined in
715 s. 216.181(1), of the turnpike enterprise. Funds carried forward
716 pursuant to this section may be used for any lawful purpose,
717 including, but not limited to, promotional and market
718 activities, technology, and training. Any certified forward

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719 funds remaining undisbursed on September 30 ~~December 31~~ of each
720 year shall be carried forward.

721 Section 15. Subsection (1) of section 338.2275, Florida
722 Statutes, is amended to read:

723 338.2275 Approved turnpike projects.--

724 (1) Legislative approval of the department's tentative
725 work program that contains the turnpike project constitutes
726 approval to issue bonds as required by s. 11(f), Art. VII of the
727 State Constitution. No more than \$6 billion of bonds may be
728 outstanding to fund approved turnpike projects. ~~Turnpike~~
729 ~~projects approved to be included in future tentative work~~
730 ~~programs include, but are not limited to, projects contained in~~
731 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
732 ~~of bonds may be issued to fund approved turnpike projects.~~

733 Section 16. Paragraphs (e) and (f) are added to subsection
734 (1) of section 339.175, Florida Statutes, and paragraphs (a) and
735 (b) of subsection (2), paragraphs (a) and (b) of subsection (3),
736 and subsections (5) and (12) of that section are amended, to
737 read:

738 339.175 Metropolitan planning organization.--It is the
739 intent of the Legislature to encourage and promote the safe and
740 efficient management, operation, and development of surface
741 transportation systems that will serve the mobility needs of
742 people and freight within and through urbanized areas of this
743 state while minimizing transportation-related fuel consumption
744 and air pollution. To accomplish these objectives, metropolitan
745 planning organizations, referred to in this section as M.P.O.'s,
746 shall develop, in cooperation with the state and public transit

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747 operators, transportation plans and programs for metropolitan
748 areas. The plans and programs for each metropolitan area must
749 provide for the development and integrated management and
750 operation of transportation systems and facilities, including
751 pedestrian walkways and bicycle transportation facilities that
752 will function as an intermodal transportation system for the
753 metropolitan area, based upon the prevailing principles provided
754 in s. 334.046(1). The process for developing such plans and
755 programs shall provide for consideration of all modes of
756 transportation and shall be continuing, cooperative, and
757 comprehensive, to the degree appropriate, based on the
758 complexity of the transportation problems to be addressed. To
759 ensure that the process is integrated with the statewide
760 planning process, M.P.O.'s shall develop plans and programs that
761 identify transportation facilities that should function as an
762 integrated metropolitan transportation system, giving emphasis
763 to facilities that serve important national, state, and regional
764 transportation functions. For the purposes of this section,
765 those facilities include the facilities on the Strategic
766 Intermodal System designated under s. 339.63 and facilities for
767 which projects have been identified pursuant to s. 339.2819(4).

768 (1) DESIGNATION.--

769 (e) An M.P.O. is a public body corporate and politic. The
770 members of the governing body shall be the members of the
771 agency, but such members constitute the head of a legal entity
772 separate, distinct, and independent from the governing body of
773 any county, municipality, or other entity that is an entity
774 represented on the M.P.O. or a signatory to the interlocal

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775 agreement creating the M.P.O. Upon execution of a new interlocal
776 agreement by the governmental entities constituting the M.P.O.
777 after redesignation or reapportionment, the new M.P.O. is
778 subject to all of the responsibilities and liabilities imposed
779 or incurred by the existing agency.

780 (f) The governing body of the M.P.O. shall designate, at
781 minimum, a chair, vice chair, and agency clerk. The chair and
782 vice chair shall be selected from among the members of the
783 governing board. The agency clerk shall be a member of the
784 governing board, an employee of the M.P.O., or another natural
785 person and shall be charged with the responsibility of preparing
786 meeting minutes and maintaining agency records.

787
788 Each M.P.O. required under this section must be fully operative
789 no later than 6 months following its designation.

790 (2) VOTING MEMBERSHIP.--

791 (a) The voting membership of an M.P.O. shall consist of
792 not fewer than 5 or more than 19 apportioned members, the exact
793 number to be determined on an equitable geographic-population
794 ratio basis by the Governor, based on an agreement among the
795 affected units of general-purpose local government as required
796 by federal rules and regulations. The Governor, in accordance
797 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
798 represent municipalities to alternate with representatives from
799 other municipalities within the metropolitan planning area that
800 do not have members on the M.P.O. County commission members
801 shall compose not less than one-third of the M.P.O. membership,
802 except for an M.P.O. with more than 15 members located in a

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803 county with a 5-member ~~five-member~~ county commission or an
 804 M.P.O. with 19 members located in a county with no more than 6
 805 county commissioners, in which case county commission members
 806 may compose less than one-third percent of the M.P.O.
 807 membership, but all county commissioners must be members. All
 808 voting members shall be elected officials of general-purpose
 809 local governments, except that an M.P.O. may include, as part of
 810 its apportioned voting members, a member of a statutorily
 811 authorized planning board, an official of an agency that
 812 operates or administers a major mode of transportation, or an
 813 official of the Florida Space Authority. As used in this
 814 section, elected officials of a general-purpose local government
 815 shall exclude constitutional or charter officers, including
 816 sheriffs, tax collectors, supervisors of elections, property
 817 appraisers, clerks of the court, and similar types of officials.
 818 County commissioners ~~The county commission~~ shall compose not
 819 less than 20 percent of the M.P.O. membership if an official of
 820 an agency that operates or administers a major mode of
 821 transportation has been appointed to an M.P.O.

822 (b) In metropolitan areas in which authorities or other
 823 agencies have been or may be created by law to perform
 824 transportation functions and are performing transportation
 825 functions that are not under the jurisdiction of a general-
 826 purpose ~~general-purpose~~ local government represented on the
 827 M.P.O., they shall be provided voting membership on the M.P.O.
 828 In all other M.P.O.'s where transportation authorities or
 829 agencies are to be represented by elected officials from
 830 general-purpose ~~general-purpose~~ local governments, the M.P.O.

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831 shall establish a process by which the collective interests of
832 such authorities or other agencies are expressed and conveyed.

833 (3) APPORTIONMENT.--

834 (a) The Governor shall, with the agreement of the affected
835 units of general-purpose local government as required by federal
836 rules and regulations, apportion the membership on the
837 applicable M.P.O. among the various governmental entities within
838 the area. At the request of a majority of the affected units of
839 general-purpose local government comprising an M.P.O., the
840 Governor and a majority of units of general-purpose local
841 governments serving on an M.P.O. and shall cooperatively agree
842 upon and prescribe who may serve as an alternate member and a
843 method for appointing alternate members who may vote at any
844 M.P.O. meeting that an alternate member attends in place of a
845 regular member. The methodology shall be set forth as a part of
846 the interlocal agreement describing the M.P.O.'s membership or
847 in the M.P.O.'s operating procedures and bylaws. An appointed
848 alternate member must be an elected official serving the same
849 governmental entity or a general purpose local government with
850 jurisdiction within all or part of the area that the regular
851 member serves. The governmental entity so designated shall
852 appoint the appropriate number of members to the M.P.O. from
853 eligible officials. Representatives of the department shall
854 serve as nonvoting members of the M.P.O. governing board.
855 Nonvoting advisers may be appointed by the M.P.O. as deemed
856 necessary; however, to the maximum extent feasible, each M.P.O.
857 shall seek to appoint nonvoting representatives of various
858 multimodal forms of transportation not otherwise represented by

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859 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
860 advisers representing major military installations upon the
861 request of the major military installations and subject to the
862 agreement of the M.P.O. All nonvoting advisers may attend and
863 participate fully in governing board meetings but shall not vote
864 and shall not be members of the governing board. The Governor
865 shall review the composition of the M.P.O. membership in
866 conjunction with the decennial census as prepared by the United
867 States Department of Commerce, Bureau of the Census, and
868 reapportion it as necessary to comply with subsection (2).

869 (b) Except for members who represent municipalities on the
870 basis of alternating with representatives from other
871 municipalities that do not have members on the M.P.O. as
872 provided in paragraph (2) (a), the members of an M.P.O. shall
873 serve 4-year terms. Members who represent municipalities on the
874 basis of alternating with representatives from other
875 municipalities that do not have members on the M.P.O. as
876 provided in paragraph (2) (a) may serve terms of up to 4 years as
877 further provided in the interlocal agreement described in
878 paragraph (1) (b). The membership of a member who is a public
879 official automatically terminates upon the member's leaving his
880 or her elective or appointive office for any reason, or may be
881 terminated by a majority vote of the total membership of the
882 entity's governing board ~~a county or city governing entity~~
883 represented by the member. A vacancy shall be filled by the
884 original appointing entity. A member may be reappointed for one
885 or more additional 4-year terms.

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886 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
887 privileges, and authority of an M.P.O. are those specified in
888 this section or incorporated in an interlocal agreement
889 authorized under s. 163.01. Each M.P.O. shall perform all acts
890 required by federal or state laws or rules, now and subsequently
891 applicable, which are necessary to qualify for federal aid. It
892 is the intent of this section that each M.P.O. shall be involved
893 in the planning and programming of transportation facilities,
894 including, but not limited to, airports, intercity and high-
895 speed rail lines, seaports, and intermodal facilities, to the
896 extent permitted by state or federal law.

897 (a) Each M.P.O. shall, in cooperation with the department,
898 develop:

899 1. A long-range transportation plan pursuant to the
900 requirements of subsection (6);

901 2. An annually updated transportation improvement program
902 pursuant to the requirements of subsection (7); and

903 3. An annual unified planning work program pursuant to the
904 requirements of subsection (8).

905 (b) In developing the long-range transportation plan and
906 the transportation improvement program required under paragraph
907 (a), each M.P.O. shall provide for consideration of projects and
908 strategies that will:

909 1. Support the economic vitality of the metropolitan area,
910 especially by enabling global competitiveness, productivity, and
911 efficiency;

912 2. Increase the safety and security of the transportation
913 system for motorized and nonmotorized users;

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- 914 3. Increase the accessibility and mobility options
915 available to people and for freight;
- 916 4. Protect and enhance the environment, promote energy
917 conservation, and improve quality of life;
- 918 5. Enhance the integration and connectivity of the
919 transportation system, across and between modes, for people and
920 freight;
- 921 6. Promote efficient system management and operation; and
- 922 7. Emphasize the preservation of the existing
923 transportation system.
- 924 (c) In order to provide recommendations to the department
925 and local governmental entities regarding transportation plans
926 and programs, each M.P.O. shall:
- 927 1. Prepare a congestion management system for the
928 metropolitan area and cooperate with the department in the
929 development of all other transportation management systems
930 required by state or federal law;
- 931 2. Assist the department in mapping transportation
932 planning boundaries required by state or federal law;
- 933 3. Assist the department in performing its duties relating
934 to access management, functional classification of roads, and
935 data collection;
- 936 4. Execute all agreements or certifications necessary to
937 comply with applicable state or federal law;
- 938 5. Represent all the jurisdictional areas within the
939 metropolitan area in the formulation of transportation plans and
940 programs required by this section; and

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941 6. Perform all other duties required by state or federal
942 law.

943 (d) Each M.P.O. shall appoint a technical advisory
944 committee that includes planners; engineers; representatives of
945 local aviation authorities, port authorities, and public transit
946 authorities or representatives of aviation departments, seaport
947 departments, and public transit departments of municipal or
948 county governments, as applicable; the school superintendent of
949 each county within the jurisdiction of the M.P.O. or the
950 superintendent's designee; and other appropriate representatives
951 of affected local governments. In addition to any other duties
952 assigned to it by the M.P.O. or by state or federal law, the
953 technical advisory committee is responsible for considering safe
954 access to schools in its review of transportation project
955 priorities, long-range transportation plans, and transportation
956 improvement programs, and shall advise the M.P.O. on such
957 matters. In addition, the technical advisory committee shall
958 coordinate its actions with local school boards and other local
959 programs and organizations within the metropolitan area which
960 participate in school safety activities, such as locally
961 established community traffic safety teams. Local school boards
962 must provide the appropriate M.P.O. with information concerning
963 future school sites and in the coordination of transportation
964 service.

965 (e)1. Each M.P.O. shall appoint a citizens' advisory
966 committee, the members of which serve at the pleasure of the
967 M.P.O. The membership on the citizens' advisory committee must
968 reflect a broad cross section of local residents with an

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969 interest in the development of an efficient, safe, and cost-
970 effective transportation system. Minorities, the elderly, and
971 the handicapped must be adequately represented.

972 2. Notwithstanding the provisions of subparagraph 1., an
973 M.P.O. may, with the approval of the department and the
974 applicable federal governmental agency, adopt an alternative
975 program or mechanism to ensure citizen involvement in the
976 transportation planning process.

977 (f) The department shall allocate to each M.P.O., for the
978 purpose of accomplishing its transportation planning and
979 programming duties, an appropriate amount of federal
980 transportation planning funds.

981 (g) Each M.P.O. shall have an executive or staff director,
982 who reports directly to the M.P.O. governing board for all
983 matters regarding the administration and operation of the
984 M.P.O., and any additional personnel as deemed necessary. The
985 executive director and any additional personnel may be employed
986 either by an M.P.O. or by another governmental entity, such as a
987 county, city, or regional planning council, that has a signed
988 staff services agreement in effect with the M.P.O. In addition,
989 an M.P.O. may employ personnel or may enter into contracts with
990 local or state governmental agencies, private planning or
991 engineering firms, or other private engineering firms to
992 accomplish its transportation planning and programming duties
993 and administrative functions required by state or federal law.

994 (h) Each M.P.O. shall provide training opportunities for
995 local elected officials and others who serve on an M.P.O. in
996 order to enhance their knowledge, effectiveness, and

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997 participation in the urbanized area transportation planning
 998 process. The training opportunities may be conducted by an
 999 individual M.P.O. or through statewide and federal training
 1000 programs and initiatives that are specifically designed to meet
 1001 the needs of M.P.O. board members.

1002 (i) In addition to the powers set forth in this section,
 1003 M.P.O.'s shall have the powers set forth in this paragraph. The
 1004 enumeration of the following powers is not intended to be an
 1005 exhaustive list of all M.P.O. powers:

1006 1. To grant, sell, hold, donate, dedicate, or lease or
 1007 otherwise convey title, easements, or use rights in real
 1008 property, including tax-reverted real property, title to which
 1009 is in such public agency or separate legal entity, to any other
 1010 public agency or separate legal entity created under interlocal
 1011 agreement. Real property and interests in real property granted
 1012 or conveyed to an M.P.O. shall be for a public purpose that may
 1013 not necessarily be contemplated in the interlocal agreement.

1014 2. To appropriate funds and sell, give, or otherwise
 1015 supply personnel, services, facilities, property, franchises, or
 1016 funds thereof to any party designated to operate the joint or
 1017 cooperative undertaking.

1018 3. To receive grants-in-aid or other assistance funds from
 1019 the Federal Government or this state for use in carrying out
 1020 transportation-related purposes.

1021 4. To have all of the privileges and immunities from
 1022 liability as set forth in the State Constitution, s. 768.28, and
 1023 otherwise and to have exemptions from laws, ordinances, and
 1024 rules applicable to public agencies of the state. An M.P.O.

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1025 shall ascertain whether, as a separate and distinct body politic
 1026 and corporate entity, it should purchase separate public
 1027 liability or workers' compensation insurance.

1028 5. To have and provide pensions and relief, disability
 1029 benefits, workers' compensation, employee salary compensation
 1030 and reimbursement, and other benefits which apply to the
 1031 activity of its officers or employees when performing their
 1032 respective functions.

1033 6. To employ agencies or employees.

1034 7. To acquire, construct, manage, maintain, or operate
 1035 buildings, works, or improvements.

1036 8. To incur debts, liabilities, or obligations that do not
 1037 constitute the debts, liabilities, or obligations of any of the
 1038 parties to the agreement unless specifically and in writing
 1039 assumed by any of the parties to the interlocal agreement
 1040 creating the M.P.O.

1041 9. To appoint a legal counsel or legal staff of its
 1042 choice. If the legal counsel is also an attorney for an entity
 1043 that is a member of the M.P.O., both the M.P.O. governing board
 1044 and the member entity's governing body shall waive any potential
 1045 for ethical conflict.

1046 10. In addition to its other powers as set forth in this
 1047 section and in s. 163.01, to have such powers as are provided
 1048 for under federal law or federal administrative rules.

1049 (j)-(h) A chair's coordinating committee is created,
 1050 composed of the M.P.O.'s serving Hernando, Hillsborough,
 1051 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
 1052 committee must, at a minimum:

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1053 | 1. Coordinate transportation projects deemed to be
1054 | regionally significant by the committee.

1055 | 2. Review the impact of regionally significant land use
1056 | decisions on the region.

1057 | 3. Review all proposed regionally significant
1058 | transportation projects in the respective transportation
1059 | improvement programs which affect more than one of the M.P.O.'s
1060 | represented on the committee.

1061 | 4. Institute a conflict resolution process to address any
1062 | conflict that may arise in the planning and programming of such
1063 | regionally significant projects.

1064 | (k)~~(i)~~1. The Legislature finds that the state's rapid
1065 | growth in recent decades has caused many urbanized areas subject
1066 | to M.P.O. jurisdiction to become contiguous to each other. As a
1067 | result, various transportation projects may cross from the
1068 | jurisdiction of one M.P.O. into the jurisdiction of another
1069 | M.P.O. To more fully accomplish the purposes for which M.P.O.'s
1070 | have been mandated, M.P.O.'s shall develop coordination
1071 | mechanisms with one another to expand and improve transportation
1072 | within the state. The appropriate method of coordination between
1073 | M.P.O.'s shall vary depending upon the project involved and
1074 | given local and regional needs. Consequently, it is appropriate
1075 | to set forth a flexible methodology that can be used by M.P.O.'s
1076 | to coordinate with other M.P.O.'s and appropriate political
1077 | subdivisions as circumstances demand.

1078 | 2. Any M.P.O. may join with any other M.P.O. or any
1079 | individual political subdivision to coordinate activities or to
1080 | achieve any federal or state transportation planning or

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1081 development goals or purposes consistent with federal or state
 1082 law. When an M.P.O. determines that it is appropriate to join
 1083 with another M.P.O. or any political subdivision to coordinate
 1084 activities, the M.P.O. or political subdivision shall enter into
 1085 an interlocal agreement pursuant to s. 163.01, which, at a
 1086 minimum, creates a separate legal or administrative entity to
 1087 coordinate the transportation planning or development activities
 1088 required to achieve the goal or purpose; provides ~~provide~~ the
 1089 purpose for which the entity is created; provides ~~provide~~ the
 1090 duration of the agreement and the entity, and specifies ~~specify~~
 1091 how the agreement may be terminated, modified, or rescinded;
 1092 describes ~~describe~~ the precise organization of the entity,
 1093 including who has voting rights on the governing board, whether
 1094 alternative voting members are provided for, how voting members
 1095 are appointed, and what the relative voting strength is for each
 1096 constituent M.P.O. or political subdivision; provides ~~provide~~
 1097 the manner in which the parties to the agreement will provide
 1098 for the financial support of the entity and payment of costs and
 1099 expenses of the entity; provides ~~provide~~ the manner in which
 1100 funds may be paid to and disbursed from the entity; and provides
 1101 ~~provide~~ how members of the entity will resolve disagreements
 1102 regarding interpretation of the interlocal agreement or disputes
 1103 relating to the operation of the entity. Such interlocal
 1104 agreement shall become effective upon its recordation in the
 1105 official public records of each county in which a member of the
 1106 entity created by the interlocal agreement has a voting member.
 1107 This paragraph does not require any M.P.O.'s to merge, combine,
 1108 or otherwise join together as a single M.P.O.

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1109 3. Each M.P.O. located within an urbanized area consisting
1110 of more than one M.P.O., or located in an urbanized area that is
1111 immediately adjacent to an M.P.O. serving a different urbanized
1112 area, shall coordinate with other M.P.O.'s in the urbanized area
1113 or the contiguous and adjacent M.P.O.'s to develop a report
1114 demonstrating how a coordinated transportation planning process
1115 is being developed and the results of the coordinated planning
1116 process. The report should include the progress on implementing
1117 a coordinated long-range transportation plan covering the
1118 combined metropolitan planning area that serves as the basis for
1119 the transportation improvement program of each M.P.O., separate
1120 and coordinated long-range transportation plans for the affected
1121 M.P.O.'s, a coordinated priority process for regional projects,
1122 and a regional public involvement process. The report shall be
1123 submitted to members of the M.P.O.'s local legislative
1124 delegation by no later than February of each even-numbered year
1125 and may be submitted as a joint report by two or more M.P.O.'s
1126 or separate coordinated reports by individual M.P.O.'s.

1127 (12) VOTING REQUIREMENTS.--Each long-range transportation
1128 plan required pursuant to subsection (6), each annually updated
1129 Transportation Improvement Program required under subsection
1130 (7), and each amendment that affects projects in the first 3
1131 years of such plans and programs must be approved by each M.P.O.
1132 on a supermajority ~~recorded~~ roll call vote or hand-counted vote
1133 of a majority plus one of the membership present.

1134 Section 17. Paragraph (h) of subsection (2) of section
1135 20.23, Florida Statutes, is amended to read:

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1136 | 20.23 Department of Transportation.--There is created a
1137 | Department of Transportation which shall be a decentralized
1138 | agency.

1139 | (2)

1140 | (h) The commission shall appoint an executive director and
1141 | assistant executive director, who shall serve under the
1142 | direction, supervision, and control of the commission. The
1143 | executive director, with the consent of the commission, shall
1144 | employ such staff as are necessary to perform adequately the
1145 | functions of the commission, within budgetary limitations. All
1146 | employees of the commission are exempt from part II of chapter
1147 | 110 and shall serve at the pleasure of the commission. The
1148 | salaries and benefits of all employees of the commission, except
1149 | for the executive director, shall be set in accordance with the
1150 | Selected Exempt Service; ~~provided,~~ however, that the salary and
1151 | benefits of the executive director shall be set in accordance
1152 | with the Senior Management Service. The commission shall have
1153 | complete authority for fixing the salary of the executive
1154 | director and assistant executive director.

1155 | Section 18. Paragraph (c) of subsection (6) of section
1156 | 332.007, Florida Statutes, is amended to read:

1157 | 332.007 Administration and financing of aviation and
1158 | airport programs and projects; state plan.--

1159 | (6) Subject to the availability of appropriated funds, the
1160 | department may participate in the capital cost of eligible
1161 | public airport and aviation development projects in accordance
1162 | with the following rates, unless otherwise provided in the

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1163 General Appropriations Act or the substantive bill implementing
1164 the General Appropriations Act:

1165 (c) When federal funds are not available, the department
1166 may fund up to 80 percent of master planning and eligible
1167 aviation development projects at publicly owned, publicly
1168 operated airports. If federal funds are available but
1169 insufficient to meet the maximum authorized federal share, the
1170 department may fund up to 80 percent of the nonfederal share of
1171 such projects. Such funding is limited to airports that have no
1172 scheduled commercial service.

1173 Section 19. Part X of chapter 348, Florida Statutes, is
1174 redesignated as part XI, and a new part X, consisting of
1175 sections 348.9801, 348.9802, 348.9803, 348.9804, 348.9805,
1176 348.9806, 348.9807, 348.9808, 348.9809, 348.9811, 348.9812,
1177 348.9813, 348.9814, 348.9815, 348.9816, and 348.9817, is added
1178 to that chapter to read:

1179 PART X

1180 Osceola County Expressway Authority

1181 348.9801 Short title.--This part may be cited as the
1182 "Osceola County Expressway Authority Law."

1183 348.9802 Definitions.--The following terms, whenever used
1184 or referred to in this part, shall have the following meanings,
1185 except in those instances where the context clearly indicates
1186 otherwise:

1187 (1) "Agency of the state" means and includes the state and
1188 any department of, or corporation, agency, or instrumentality
1189 heretofore or hereafter created, designated, or established by,
1190 the state.

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1191 (2) "Authority" means the body politic and corporate and
 1192 agency of the state created by this part.

1193 (3) "Bonds" means and includes the notes, bonds, refunding
 1194 bonds, or other evidences of indebtedness or obligations, in
 1195 either temporary or definitive form, which the authority is
 1196 authorized to issue pursuant to this part.

1197 (4) "County" means Osceola County.

1198 (5) "Department" means the Department of Transportation.

1199 (6) "Expressway" is the same as limited access expressway.

1200 (7) "Federal agency" means and includes the United States,
 1201 the President of the United States, and any department of or
 1202 corporation, agency, or instrumentality heretofore or hereafter
 1203 created, designated, or established by the United States.

1204 (8) "Lease-purchase agreement" means the lease-purchase
 1205 agreements which the authority is authorized pursuant to this
 1206 part to enter into with the department.

1207 (9) "Limited access expressway" means a street or highway
 1208 especially designed for through traffic and over, from, or to
 1209 which no person shall have the right of easement, use, or access
 1210 except in accordance with the rules and regulations promulgated
 1211 and established by the authority for the use of such facility.
 1212 Such highways or streets may be parkways from which trucks,
 1213 buses, and other commercial vehicles shall be excluded or they
 1214 may be freeways open to use by all customary forms of street and
 1215 highway traffic.

1216 (10) "Members" means the governing body of the authority,
 1217 and the term "member" means one of the individuals constituting
 1218 such governing body.

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1219 (11) "Osceola County gasoline tax funds" means all of the
 1220 80-percent surplus gasoline tax funds accruing in each year to
 1221 the department for use in Osceola County under the provisions of
 1222 s. 9, Art. XII of the State Constitution after deduction only of
 1223 any amounts of said gasoline tax funds heretofore pledged by the
 1224 department or the county for outstanding obligations.

1225 (12) "Osceola County Expressway System" means any and all
 1226 expressways and appurtenant facilities thereto, including, but
 1227 not limited to, all approaches, roads, bridges, and avenues of
 1228 access for said expressways that are either built by the
 1229 authority or whose ownership is transferred to the authority by
 1230 other governmental or private entities.

1231 (13) "State Board of Administration" means the body
 1232 corporate existing under the provisions of s. 9, Art. XII of the
 1233 State Constitution or any successor thereto.

1234 348.9803 Osceola County Expressway Authority.--

1235 (1) There is hereby created and established a body politic
 1236 and corporate, an agency of the state, to be known as the
 1237 Osceola County Expressway Authority, hereinafter referred to as
 1238 "authority."

1239 (2) (a) The governing body of the authority shall consist
 1240 of six members. Three members shall be citizens of Osceola
 1241 County, who shall be appointed by the governing body of the
 1242 county. Two members shall be citizens of Osceola County
 1243 appointed by the Governor. The term of each appointed member
 1244 shall be for 4 years. However, the members appointed by the
 1245 Governor for the first time shall serve a term of 2 years. Each
 1246 appointed member shall hold office until his or her successor

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1247 has been appointed and has qualified. A vacancy occurring during
1248 a term shall be filled only for the balance of the unexpired
1249 term. Each appointed member of the authority shall be a person
1250 of outstanding reputation for integrity, responsibility, and
1251 business ability, but no person who is an officer or employee of
1252 any city or of Osceola County in any other capacity shall be an
1253 appointed member of the authority. A member of the authority
1254 shall be eligible for reappointment.

1255 (b) Members of the authority may be removed from office by
1256 the Governor for misconduct, malfeasance, or nonfeasance in
1257 office.

1258 (c) The district secretary of the department serving in
1259 the district that includes Osceola County shall serve as an ex
1260 officio, nonvoting member.

1261 (3) (a) The authority shall elect one of its members as
1262 chair of the authority. The authority shall also elect a
1263 secretary and a treasurer who may or may not be members of the
1264 authority. The chair, secretary, and treasurer shall hold such
1265 offices at the will of the authority.

1266 (b) Four members of the authority shall constitute a
1267 quorum, and the vote of three members shall be necessary for any
1268 action taken by the authority. No vacancy in the authority shall
1269 impair the right of a quorum of the authority to exercise all of
1270 the rights and perform all of the duties of the authority.

1271 (4) (a) The authority may employ an executive secretary, an
1272 executive director, its own counsel and legal staff, technical
1273 experts, such engineers, and such employees, permanent or
1274 temporary, as it may require; may determine the qualifications

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1275 and fix the compensation of such persons, firms, or
 1276 corporations; and may employ a fiscal agent or agents. However,
 1277 the authority shall solicit sealed proposals from at least three
 1278 persons, firms, or corporations for the performance of any
 1279 services as fiscal agents. The authority may delegate to one or
 1280 more of its agents or employees such of its power as it shall
 1281 deem necessary to carry out the purposes of this part, subject
 1282 always to the supervision and control of the authority.

1283 (b) Members of the authority shall be entitled to receive
 1284 from the authority their travel and other necessary expenses
 1285 incurred in connection with the business of the authority as
 1286 provided in s. 112.061, but they shall draw no salaries or other
 1287 compensation.

1288 348.9804 Purposes and powers.--

1289 (1) (a) The authority created and established by the
 1290 provisions of this part is hereby granted and shall have the
 1291 right to acquire, hold, construct, improve, maintain, operate,
 1292 own, and lease in the capacity of lessor the Osceola County
 1293 Expressway System, hereinafter referred to as "system."

1294 (b) It is the express intention of this part that the
 1295 authority, in the construction of the Osceola County Expressway
 1296 System, shall be authorized to construct any extensions,
 1297 additions, or improvements to the system or appurtenant
 1298 facilities, including all necessary approaches, roads, bridges,
 1299 and avenues of access with such changes, modifications, or
 1300 revisions of the project as shall be deemed desirable and
 1301 proper.

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1302 (2) The authority is hereby granted and shall have and may
1303 exercise all powers necessary, appurtenant, convenient, or
1304 incidental to the carrying out of its purposes, including, but
1305 not limited to, the following rights and powers:

1306 (a) To sue and be sued, implead and be impleaded, and
1307 complain and defend in all courts.

1308 (b) To adopt, use, and alter at will a corporate seal.

1309 (c) To acquire by donation or otherwise, purchase, hold,
1310 lease as lessee, and use any franchise or property, real,
1311 personal, or mixed, tangible or intangible, or any options
1312 thereof, in its own name or in conjunction with others, or
1313 interest therein, necessary or desirable for carrying out the
1314 purposes of the authority, and to sell, lease as lessor,
1315 transfer, and dispose of any property or interest therein at any
1316 time acquired by it.

1317 (d) To enter into and make leases for terms not exceeding
1318 40 years as either lessee or lessor in order to carry out the
1319 right to lease as set forth in this part.

1320 (e) To enter into and make lease-purchase agreements with
1321 the department for terms not exceeding 40 years or until any
1322 bonds secured by a pledge of rentals thereunder and any
1323 refundings thereof are fully paid as to both principal and
1324 interest, whichever is longer.

1325 (f) To fix, alter, charge, establish, and collect rates,
1326 fees, rentals, and other charges for the services and facilities
1327 of the Osceola County Expressway System, which rates, fees,
1328 rentals, and other charges shall always be sufficient to comply
1329 with any covenants made with the holders of any bonds issued

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1330 pursuant to this part; however, such right and power may be
1331 assigned or delegated by the authority to the department.

1332 (g) To borrow money and make and issue negotiable notes,
1333 bonds, refunding bonds, and other evidences of indebtedness or
1334 obligations, either in temporary or definitive form, in this
1335 part sometimes called "bonds" of the authority, for the purpose
1336 of financing all or part of the improvement or extension of the
1337 Osceola County Expressway System and appurtenant facilities,
1338 including all approaches, streets, roads, bridges, and avenues
1339 of access for the Osceola County Expressway System and for any
1340 other purpose authorized by this part, said bonds to mature in
1341 not exceeding 40 years after the date of the issuance thereof,
1342 and to secure the payment of such bonds or any part thereof by a
1343 pledge of any or all of its revenues, rates, fees, rentals, or
1344 other charges, including all or any portion of the Osceola
1345 County gasoline tax funds received by the authority pursuant to
1346 the terms of any lease-purchase agreement between the authority
1347 and the department; and, in general, to provide for the security
1348 of the bonds and the rights and remedies of the holders thereof.
1349 However, no portion of the Osceola County gasoline tax funds
1350 shall be pledged for the construction of any project for which a
1351 toll is to be charged unless the anticipated tolls are
1352 reasonably estimated by the board of county commissioners, at
1353 the date of its resolution pledging said funds, to be sufficient
1354 to cover the principal and interest of such obligations during
1355 the period when said pledge of funds shall be in effect.

1356 1. The authority shall reimburse Osceola County for any
1357 sums expended from said gasoline tax funds used for the payment

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1358 of such obligations. Any gasoline tax funds so disbursed shall
1359 be repaid when the authority deems it practicable, together with
1360 interest at the highest rate applicable to any obligations of
1361 the authority.

1362 2. If the authority determines to fund or refund any bonds
1363 theretofore issued by the authority or by the board of county
1364 commissioners as aforesaid prior to the maturity thereof, the
1365 proceeds of the funding or refunding bonds shall, pending the
1366 prior redemption of the bonds to be funded or refunded, be
1367 invested in direct obligations of the United States. It is the
1368 express intention of this part that such outstanding bonds may
1369 be funded or refunded by the issuance of bonds pursuant to this
1370 part.

1371 (h) To make contracts of every name and nature, including,
1372 but not limited to, partnerships providing for participation in
1373 ownership and revenues, and to execute all instruments necessary
1374 or convenient for the carrying on of its business.

1375 (i) Without limitation of the foregoing, to borrow money
1376 and accept grants from and to enter into contracts, leases, or
1377 other transactions with any federal agency, the state, any
1378 agency of the state, Osceola County, or with any other public
1379 body of the state.

1380 (j) To have the power of eminent domain, including the
1381 procedural powers granted under chapters 73 and 74.

1382 (k) To pledge, hypothecate, or otherwise encumber all or
1383 any part of the revenues, rates, fees, rentals, or other charges
1384 or receipts of the authority, including all or any portion of
1385 the Osceola County gasoline tax funds received by the authority

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1386 pursuant to the terms of any lease-purchase agreement between
1387 the authority and the department, as security for all or any of
1388 the obligations of the authority.

1389 (l) To enter into partnership and other agreements
1390 respecting ownership and revenue participation in order to
1391 facilitate financing and constructing any project or portions
1392 thereof.

1393 (m) To participate in developer agreements or to receive
1394 developer contributions.

1395 (n) To contract with Osceola County for the operation of a
1396 toll facility within the county.

1397 (o) To do all acts and things necessary or convenient for
1398 the conduct of its business and the general welfare of the
1399 authority in order to carry out the powers granted to it by this
1400 part or any other law.

1401 (p) With the consent of the county within whose
1402 jurisdiction the following activities occur, to construct,
1403 operate, and maintain roads, bridges, avenues of access,
1404 thoroughfares, and boulevards outside the jurisdictional
1405 boundaries of Osceola County together with the right to
1406 construct, repair, replace, operate, install, and maintain
1407 electronic toll payment systems thereon with all necessary and
1408 incidental powers to accomplish the foregoing.

1409 (3) The authority shall have no power at any time or in
1410 any manner to pledge the credit or taxing power of the state or
1411 any political subdivision or agency thereof, including Osceola
1412 County, nor shall any of the authority's obligations be deemed
1413 to be obligations of the state or of any political subdivision

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1414 or agency thereof, nor shall the state or any political
 1415 subdivision or agency thereof, except the authority, be liable
 1416 for the payment of the principal of or interest on such
 1417 obligations.

1418 (4) Anything in this part to the contrary notwithstanding,
 1419 acquisition of right-of-way for a project of the authority which
 1420 is within the boundaries of any municipality in Osceola County
 1421 shall not be started unless and until the route of said project
 1422 within said municipality has been given prior approval by the
 1423 governing body of said municipality.

1424 (5) Anything in this part to the contrary notwithstanding,
 1425 acquisition of right-of-way for a project of the authority which
 1426 is within the unincorporated area of Osceola County shall not be
 1427 started unless and until the route of said project within the
 1428 unincorporated area has been given prior approval by the
 1429 governing body of Osceola County.

1430 (6) The authority shall have no power other than by
 1431 consent of Osceola County or any affected city to enter into any
 1432 agreement which would legally prohibit the construction of any
 1433 road by Osceola County or by any municipality within Osceola
 1434 County.

1435 348.9805 Authority for bond financing of
 1436 improvements.--Pursuant to s. 11(f), Art. VII of the State
 1437 Constitution, the Legislature hereby approves for bond financing
 1438 by the Osceola County Expressway Authority improvements to toll
 1439 collection facilities, interchanges to the legislatively
 1440 approved expressway system, and any other facility appurtenant,
 1441 necessary, or incidental to the approved system. Subject to

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1442 terms and conditions of applicable revenue bond resolutions and
 1443 covenants, such costs may be financed in whole or in part by
 1444 revenue bonds issued pursuant to s. 348.9806(1)(a) or (b)
 1445 whether currently issued or issued in the future, or by a
 1446 combination of such bonds.

1447 348.9806 Bonds of the authority.--

1448 (1)(a) Bonds may be issued on behalf of the authority
 1449 pursuant to the State Bond Act.

1450 (b) Alternatively, the authority may issue its own bonds
 1451 pursuant to this part at such times and in such principal amount
 1452 as, in the opinion of the authority, is necessary to provide
 1453 sufficient moneys for achieving its purposes; however, such
 1454 bonds may not pledge the full faith and credit of the state.
 1455 Bonds issued by the authority pursuant to this paragraph or
 1456 paragraph (a), whether on original issuance or on refunding,
 1457 shall be authorized by resolution of the members thereof, may be
 1458 either term or serial bonds, and shall bear such date or dates,
 1459 mature at such time or times, not exceeding 40 years after their
 1460 respective dates, bear interest at such rate or rates, payable
 1461 semiannually, be in such denominations, be in such form, either
 1462 coupon or fully registered, carry such registration,
 1463 exchangeability, and interchangeability privileges, be payable
 1464 in such medium of payment and at such place or places, be
 1465 subject to such terms of redemption, and be entitled to such
 1466 priorities on the revenues, rates, fees, rentals, or other
 1467 charges or receipts of the authority including the Osceola
 1468 County gasoline tax funds received by the authority pursuant to
 1469 the terms of any lease-purchase agreement between the authority

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1470 and the department, as such resolution or any resolution
1471 subsequent thereto may provide. The bonds shall be executed
1472 either by manual or facsimile signature by such officers as the
1473 authority shall determine, provided that such bonds shall bear
1474 at least one signature which is manually executed thereon, and
1475 the coupons attached to such bonds shall bear the facsimile
1476 signature or signatures of such officer or officers as shall be
1477 designated by the authority and shall have the seal of the
1478 authority affixed, imprinted, reproduced, or lithographed
1479 thereon, all as may be prescribed in such resolution or
1480 resolutions.

1481 (c) Bonds issued pursuant to paragraph (a) or paragraph
1482 (b) shall be sold at public sale in the same manner provided by
1483 the State Bond Act. However, if the authority shall, by official
1484 action at a public meeting, determine that a negotiated sale of
1485 such bonds is in the best interest of the authority, the
1486 authority may negotiate the sale of such bonds with the
1487 underwriter designated by the authority and the Division of Bond
1488 Finance of the State Board of Administration with respect to
1489 bonds issued pursuant to paragraph (a) or solely the authority
1490 with respect to bonds issued pursuant to paragraph (b). The
1491 authority's determination to negotiate the sale of such bonds
1492 may be based, in part, upon the written advice of the
1493 authority's financial adviser. Pending the preparation of
1494 definitive bonds, interim certificates may be issued to the
1495 purchaser or purchasers of such bonds and may contain such terms
1496 and conditions as the authority may determine.

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1497 (d) The authority may issue bonds pursuant to paragraph
 1498 (b) to refund any bonds previously issued regardless of whether
 1499 the bonds being refunded were issued by the authority pursuant
 1500 to this chapter or on behalf of the authority pursuant to the
 1501 State Bond Act.

1502 (2) Any such resolution or resolutions authorizing any
 1503 bonds hereunder may contain provisions which shall be part of
 1504 the contract with the holders of such bonds, as to:

1505 (a) The pledging of all or any part of the revenues,
 1506 rates, fees, rentals (including all or any portion of the
 1507 Osceola County gasoline tax funds received by the authority
 1508 pursuant to the terms of any lease-purchase agreement between
 1509 the authority and the department, or any part thereof), or other
 1510 charges or receipts of the authority, derived by the authority,
 1511 from the Osceola County Expressway System.

1512 (b) The completion, improvement, operation, extension,
 1513 maintenance, repair, lease, or lease-purchase agreement of said
 1514 system and the duties of the authority and others, including the
 1515 department, with reference thereto.

1516 (c) Limitations on the purposes to which the proceeds of
 1517 the bonds, then or thereafter to be issued, or of any loan or
 1518 grant by the United States or the state may be applied.

1519 (d) The fixing, charging, establishing, and collecting of
 1520 rates, fees, rentals, or other charges for use of the services
 1521 and facilities of the Osceola County Expressway System or any
 1522 part thereof.

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1523 (e) The setting aside of reserves or sinking funds or
1524 repair and replacement funds and the regulation and disposition
1525 thereof.

1526 (f) Limitations on the issuance of additional bonds.

1527 (g) The terms and provisions of any lease-purchase
1528 agreement, deed of trust, or indenture securing the bonds or
1529 under which the same may be issued.

1530 (h) Any other or additional agreements with the holders of
1531 the bonds which the authority may deem desirable and proper.

1532 (3) The authority may employ fiscal agents as provided by
1533 this part or the State Board of Administration may, upon request
1534 of the authority, act as fiscal agent for the authority in the
1535 issuance of any bonds which may be issued pursuant to this part.

1536 The State Board of Administration may, upon request of the
1537 authority, take over the management, control, administration,
1538 custody, and payment of any or all debt services or funds or
1539 assets now or hereafter available for any bonds issued pursuant
1540 to this part. The authority may enter into any deeds of trust,
1541 indentures, or other agreements with its fiscal agent or with
1542 any bank or trust company within or without the state as
1543 security for such bonds and may, under such agreements, sign and
1544 pledge all or any of the revenues, rates, fees, rentals, or
1545 other charges or receipts of the authority, including all or any
1546 portion of the Osceola County gasoline tax funds received by the
1547 authority pursuant to the terms of any lease-purchase agreement
1548 between the authority and the department, thereunder. Such deed
1549 of trust, indenture, or other agreement may contain such
1550 provisions as are customary in such instruments or, as the

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1551 authority may authorize, including, but without limitation,
 1552 provisions as to:

1553 (a) The completion, improvement, operation, extension,
 1554 maintenance, repair, and lease of or lease-purchase agreement
 1555 relating to the Osceola County Expressway System and the duties
 1556 of the authority and others including the department with
 1557 reference thereto.

1558 (b) The application of funds and the safeguarding of funds
 1559 on hand or on deposit.

1560 (c) The rights and remedies of the trustee and the holders
 1561 of the bonds.

1562 (d) The terms and provisions of the bonds or the
 1563 resolutions authorizing the issuance of same.

1564 (4) Any of the bonds issued pursuant to this part are, and
 1565 are hereby declared to be, negotiable instruments and shall have
 1566 all the qualities and incidents of negotiable instruments under
 1567 the law merchant and the negotiable instruments law of the
 1568 state.

1569 (5) Notwithstanding any of the provisions of this part,
 1570 each project, building, or facility which has been financed by
 1571 the issuance of bonds or other evidence of indebtedness under
 1572 this part and any refinancing thereof is hereby approved as
 1573 provided for in s. 11(f), Art. VII of the State Constitution.

1574 348.9807 Remedies of the bondholders.--

1575 (1) The rights and the remedies herein conferred upon or
 1576 granted to the bondholders shall be in addition to and not in
 1577 limitation of any rights and remedies lawfully granted to such
 1578 bondholders by the resolution or resolutions providing for the

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1579 issuance of bonds or by a lease-purchase agreement, deed of
1580 trust, indenture, or other agreement under which the bonds may
1581 be issued or secured. If the authority defaults in the payment
1582 of the principal of or interest on any of the bonds issued
1583 pursuant to the provisions of this part after such principal of
1584 or interest on said bonds becomes due, whether at maturity or
1585 upon call for redemption, or if the department defaults in any
1586 payments under or covenants made in any lease-purchase agreement
1587 between the authority and the department and such default
1588 continues for a period of 30 days or if the authority or the
1589 department fails or refuses to comply with the provisions of
1590 this part or any agreement made with or for the benefit of the
1591 holders of the bonds, the holders of 25 percent in aggregate
1592 principal amount of the bonds then outstanding shall be entitled
1593 as of right to the appointment of a trustee to represent such
1594 bondholders for the purposes hereof; provided that such holders
1595 of 25 percent in aggregate principal amount of the bonds then
1596 outstanding shall have first given notice to the authority and
1597 to the department of their intention to appoint a trustee. Such
1598 notice shall be deemed to have been given if given in writing,
1599 deposited in a securely sealed postpaid wrapper, mailed at a
1600 regularly maintained United States post office box or station,
1601 and addressed, respectively, to the chair of the authority and
1602 to the Secretary of Transportation at the principal office of
1603 the department.

1604 (2) Such trustee and any trustee under any deed of trust,
1605 indenture, or other agreement may and, upon written request of
1606 the holders of 25 percent or such other percentages as may be

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1607 specified in any deed of trust, indenture, or other agreement
 1608 aforsaid, in principal amount of the bonds then outstanding,
 1609 shall in any court of competent jurisdiction in his, her, or its
 1610 own name:

1611 (a) By mandamus or other suit, action, or proceeding at
 1612 law or in equity, enforce all rights of the bondholders,
 1613 including the right to require the authority to fix, establish,
 1614 maintain, collect, and charge rates, fees, rentals, and other
 1615 charges adequate to carry out any agreement as to or pledge of
 1616 the revenues or receipts of the authority to carry out any other
 1617 covenants and agreements with or for the benefit of the
 1618 bondholders, and to perform its and their duties under this
 1619 part.

1620 (b) By mandamus or other suit, action, or proceeding at
 1621 law or in equity, enforce all rights of the bondholders under or
 1622 pursuant to any lease-purchase agreement between the authority
 1623 and the department, including the right to require the
 1624 department to make all rental payments required to be made by it
 1625 under the provisions of any such lease-purchase agreement,
 1626 whether from the Osceola County gasoline tax funds or other
 1627 funds of the department so agreed to be paid, and to require the
 1628 department to carry out any other covenants and agreements with
 1629 or for the benefit of the bondholders and to perform its and
 1630 their duties under this part.

1631 (c) Bring suit upon the bonds.

1632 (d) By action or suit in equity, require the authority or
 1633 the department to account as if it were the trustee of an
 1634 express trust for the bondholders.

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1635 (e) By action or suit in equity, enjoin any acts or things
 1636 which may be unlawful or in violation of the rights of the
 1637 bondholders.

1638 (3) Whether or not all bonds have been declared due and
 1639 payable, any trustee, when appointed under this section or
 1640 acting under a deed of trust, indenture, or other agreement,
 1641 shall be entitled as of right to the appointment of a receiver
 1642 who may enter upon and take possession of the Osceola County
 1643 Expressway System or the facilities or any part or parts
 1644 thereof, the rates, fees, rentals, or other revenues, charges,
 1645 or receipts from which are or may be applicable to the payment
 1646 of the bonds so in default, and, subject to and in compliance
 1647 with the provisions of any lease-purchase agreement between the
 1648 authority and the department, operate and maintain the same for
 1649 and on behalf and in the name of the authority, the department,
 1650 and the bondholders and collect and receive all rates, fees,
 1651 rentals, and other charges or receipts or revenues arising
 1652 therefrom in the same manner as the authority or the department
 1653 might do, and shall deposit all such moneys in a separate
 1654 account and apply the same in such manner as the court shall
 1655 direct. In any suit, action, or proceeding by the trustee, the
 1656 fees, counsel fees, and expenses of the trustee and said
 1657 receiver, if any, and all costs and disbursements allowed by the
 1658 court shall be a first charge on any rates, fees, rentals, or
 1659 other charges, revenues, or receipts derived from the Osceola
 1660 County Expressway System or the facilities or services or any
 1661 part or parts thereof, including payments under any such lease-
 1662 purchase agreement as aforesaid which said rates, fees, rentals,

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1663 or other charges, revenues, or receipts shall or may be
 1664 applicable to the payment of the bonds so in default. Such
 1665 trustee shall also have and possess all of the powers necessary
 1666 or appropriate for the exercise of any functions specifically
 1667 set forth in this part or incident to the representation of the
 1668 bondholders in the enforcement and protection of their rights.

1669 (4) Nothing in this section or any other section of this
 1670 part shall authorize any receiver appointed pursuant to this
 1671 part for the purpose, subject to and in compliance with the
 1672 provisions of any lease-purchase agreement between the authority
 1673 and the department, of operating and maintaining the Osceola
 1674 County Expressway System or any facilities or part or parts
 1675 thereof to sell, assign, mortgage, or otherwise dispose of any
 1676 of the assets of whatever kind and character belonging to the
 1677 authority. It is the intention of this part to limit the powers
 1678 of such receiver, subject to and in compliance with the
 1679 provisions of any lease-purchase agreement between the authority
 1680 and the department, to the operation and maintenance of the
 1681 Osceola County Expressway System or any facility or part or
 1682 parts thereof, as the court may direct, in the name and for and
 1683 on behalf of the authority, the department, and the bondholders.
 1684 No holder of bonds on the authority nor any trustee shall ever
 1685 have the right in any suit, action, or proceeding at law or in
 1686 equity to compel a receiver, nor shall any receiver be
 1687 authorized or any court be empowered to direct the receiver, to
 1688 sell, assign, mortgage, or otherwise dispose of any assets of
 1689 whatever kind or character belonging to the authority.

1690 348.9808 Lease-purchase agreement.--

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1691 (1) In order to effectuate the purposes of this part and
 1692 as authorized by this part, the authority may enter into a
 1693 lease-purchase agreement with the department relating to and
 1694 covering the Osceola County Expressway System.

1695 (2) Such lease-purchase agreement shall provide for the
 1696 leasing of the Osceola County Expressway System by the authority
 1697 as lessor to the department as lessee, shall prescribe the term
 1698 of such lease and the rentals to be paid thereunder, and shall
 1699 provide that, upon the completion of the faithful performance
 1700 thereunder and the termination of such lease-purchase agreement,
 1701 title in fee simple absolute to the Osceola County Expressway
 1702 System as then constituted shall be transferred in accordance
 1703 with law by the authority to the state and the authority shall
 1704 deliver to the department such deeds and conveyances as shall be
 1705 necessary or convenient to vest title in fee simple absolute in
 1706 the state.

1707 (3) Such lease-purchase agreement may include such other
 1708 provisions, agreements, and covenants as the authority and the
 1709 department deem advisable or required, including, but not
 1710 limited to, provisions as to the bonds to be issued under and
 1711 for the purposes of this part; the completion, extension,
 1712 improvement, operation, and maintenance of the Osceola County
 1713 Expressway System; the expenses and the cost of operation of
 1714 said authority; the charging and collection of tolls, rates,
 1715 fees, and other charges for the use of the services and
 1716 facilities thereof; the application of federal or state grants
 1717 or aid which may be made or given to assist the authority in the
 1718 completion, extension, improvement, operation, and maintenance

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1719 | of the Orlando Expressway System which the authority is hereby
 1720 | authorized to accept and apply to such purposes; the enforcement
 1721 | of payment and collection of rentals; and any other terms,
 1722 | provisions, or covenants necessary, incidental, or appurtenant
 1723 | to the making of and full performance under such lease-purchase
 1724 | agreement.

1725 | (4) The department as lessee under such lease-purchase
 1726 | agreement is hereby authorized to pay as rentals thereunder any
 1727 | rates, fees, charges, funds, moneys, receipts, or income
 1728 | accruing to the department from the operation of the Osceola
 1729 | County Expressway System and the Osceola County gasoline tax
 1730 | funds and may also pay as rentals any appropriations received by
 1731 | the department pursuant to any act of the Legislature heretofore
 1732 | or hereafter enacted. However, nothing herein nor in such lease-
 1733 | purchase agreement is intended to nor shall this part or such
 1734 | lease-purchase agreement require the making or continuance of
 1735 | such appropriations nor shall any holder of bonds issued
 1736 | pursuant to this part ever have any right to compel the making
 1737 | or continuance of such appropriations.

1738 | (5) No pledge of said Osceola County gasoline tax funds as
 1739 | rentals under such lease-purchase agreement shall be made
 1740 | without the consent of Osceola County evidenced by a resolution
 1741 | duly adopted by the board of county commissioners of said county
 1742 | at a public hearing held pursuant to due notice thereof
 1743 | published at least once a week for 3 consecutive weeks before
 1744 | the hearing in a newspaper of general circulation in Osceola
 1745 | County. In addition to other provisions, the resolution shall
 1746 | provide that any excess of said pledged gasoline tax funds which

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1747 is not required for debt service or reserves for such debt
 1748 service for any bonds issued by said authority shall be returned
 1749 annually to the department for distribution to Osceola County as
 1750 provided by law. Before making any application for such pledge
 1751 of gasoline tax funds, the authority shall present the plan of
 1752 its proposed project to the Osceola County Planning and Zoning
 1753 Commission for its comments and recommendations.

1754 (6) The department shall have power to covenant in any
 1755 lease-purchase agreement that it will pay all or any part of the
 1756 cost of the operation, maintenance, repair, renewal, and
 1757 replacement of the system and any part of the cost of completing
 1758 the system to the extent that the proceeds of bonds issued
 1759 therefor are insufficient from sources other than the revenues
 1760 derived from the operation of the system and Osceola County
 1761 gasoline tax funds. The department may also agree to make such
 1762 other payments from any moneys available to the commission or
 1763 the county in connection with the construction or completion of
 1764 the system as shall be deemed by the department to be fair and
 1765 proper under any such covenants heretofore or hereafter entered
 1766 into.

1767 (7) The system shall be a part of the state road system
 1768 and the department is hereby authorized, upon the request of the
 1769 authority, to expend out of any funds available for the purpose
 1770 such moneys and to use such of its engineering and other forces
 1771 as may be necessary and desirable in the judgment of the
 1772 department for the operation of the authority and for traffic
 1773 surveys, borings, surveys, preparation of plans and
 1774 specifications, estimates of cost, and other preliminary

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1775 engineering and other studies; however, the aggregate amount of
 1776 moneys expended for said purposes by the department shall not
 1777 exceed the sum of \$375,000.

1778 348.9809 Department may be appointed agent of authority
 1779 for construction.--The authority may appoint the department as
 1780 its agent for the purpose of constructing improvements and
 1781 extensions to the Osceola County Expressway System and for the
 1782 completion thereof. In such event, the authority shall provide
 1783 the department with complete copies of all documents,
 1784 agreements, resolutions, contracts, and instruments relating
 1785 thereto; shall request the department to do such construction
 1786 work, including the planning, surveying, and actual construction
 1787 of the completion, extensions, and improvements of the Osceola
 1788 County Expressway System; and shall transfer to the credit of an
 1789 account of the department in the treasury of the state the
 1790 necessary funds therefor, and the department shall thereupon be
 1791 authorized, empowered, and directed to proceed with such
 1792 construction and to use the funds for such purpose in the same
 1793 manner that it is now authorized to use the funds otherwise
 1794 provided by law for its use in construction of roads and
 1795 bridges.

1796 348.9811 Acquisition of lands and property.--

1797 (1) For the purposes of this part, the Osceola County
 1798 Expressway Authority may acquire private or public property and
 1799 property rights, including rights of access, air, view, and
 1800 light, by gift, devise, purchase, or condemnation by eminent
 1801 domain proceedings as the authority may deem necessary for any
 1802 of the purposes of this part, including, but not limited to, any

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1803 lands reasonably necessary for securing applicable permits,
1804 areas necessary for management of access, borrow pits, drainage
1805 ditches, water retention areas, rest areas, replacement access
1806 for landowners whose access is impaired due to the construction
1807 of a facility, and replacement rights-of-way for relocated rail
1808 and utility facilities; for existing, proposed, or anticipated
1809 transportation facilities on the Osceola County Expressway
1810 System or in a transportation corridor designated by the
1811 authority; or for the purposes of screening, relocation,
1812 removal, or disposal of junkyards and scrap metal processing
1813 facilities. The authority shall also have the power to condemn
1814 any material and property necessary for such purposes.

1815 (2) The right of eminent domain conferred in this part
1816 shall be exercised by the authority in the manner provided by
1817 law.

1818 (3) When the authority acquires property for a
1819 transportation facility or in a transportation corridor, it is
1820 not subject to any liability imposed by chapter 376 or chapter
1821 403 for preexisting soil or groundwater contamination due solely
1822 to its ownership. This section does not affect the rights or
1823 liabilities of any past or future owners of the acquired
1824 property, nor does it affect the liability of any governmental
1825 entity for the results of its actions which create or exacerbate
1826 a pollution source. The authority and the Department of
1827 Environmental Protection may enter into interagency agreements
1828 for the performance, funding, and reimbursement of the
1829 investigative and remedial acts necessary for property acquired
1830 by the authority.

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1831 348.9812 Cooperation with other units, boards, agencies,
 1832 and individuals.--Express authority and power is hereby given
 1833 and granted to any county, municipality, drainage district, road
 1834 and bridge district, school district, or any other political
 1835 subdivision, board, commission, or individual in or of the state
 1836 to make and enter into with the authority contracts, leases,
 1837 conveyances, partnerships, or other agreements within the
 1838 provisions and purposes of this part. The authority is hereby
 1839 expressly authorized to make and enter into contracts, leases,
 1840 conveyances, partnerships, and other agreements with any
 1841 political subdivision, agency, or instrumentality of the state
 1842 and any and all federal agencies, corporations, and individuals
 1843 for the purpose of carrying out the provisions of this part.

1844 348.9813 Covenant of the state.--The state does hereby
 1845 pledge to and agrees with any person, firm, or corporation or
 1846 federal or state agency subscribing to or acquiring the bonds to
 1847 be issued by the authority for the purposes of this part that
 1848 the state will not limit or alter the rights hereby vested in
 1849 the authority and the department until all bonds at any time
 1850 issued, together with the interest thereon, are fully paid and
 1851 discharged insofar as the same affects the rights of the holders
 1852 of bonds issued hereunder. The state does further pledge to and
 1853 agree with the United States that in the event any federal
 1854 agency shall construct or contribute any funds for the
 1855 completion, extension, or improvement of the Osceola County
 1856 Expressway System, or any part or portion thereof, the state
 1857 will not alter or limit the rights and powers of the authority
 1858 and the department in any manner which would be inconsistent

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1859 with the continued maintenance and operation of the Osceola
 1860 County Expressway System or the completion, extension, or
 1861 improvement thereof or which would be inconsistent with the due
 1862 performance of any agreements between the authority and any such
 1863 federal agency. The authority and the department shall continue
 1864 to have and may exercise all powers herein granted so long as
 1865 the same shall be necessary or desirable for the carrying out of
 1866 the purposes of this part and the purposes of the United States
 1867 in the completion, extension, or improvement of the Osceola
 1868 County Expressway System or any part or portion thereof.

1869 348.9814 Exemption from taxation.--The effectuation of the
 1870 authorized purposes of the authority created under this part is,
 1871 shall, and will be in all respects for the benefit of the people
 1872 of the state, for the increase of their commerce and prosperity,
 1873 and for the improvement of their health and living conditions
 1874 and, since the authority will be performing essential
 1875 governmental functions in effectuating such purposes, the
 1876 authority shall not be required to pay any taxes or assessments
 1877 of any kind or nature whatsoever upon any property acquired or
 1878 used by it for such purposes or upon any rates, fees, rentals,
 1879 receipts, income, or charges at any time received by it and the
 1880 bonds issued by the authority, their transfer, and the income
 1881 therefrom, including any profits made on the sale thereof, shall
 1882 at all times be free from taxation of any kind by the state or
 1883 by any political subdivision or taxing agency or instrumentality
 1884 thereof. The exemption granted by this section shall not be
 1885 applicable to any tax imposed by chapter 220 on interest,
 1886 income, or profits on debt obligations owned by corporations.

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1887 348.9815 Eligibility for investments and security.--Any
 1888 bonds or other obligations issued pursuant to this part shall be
 1889 and constitute legal investments for banks, savings banks,
 1890 trustees, executors, administrators, and all other fiduciaries
 1891 and for all state, municipal, and other public funds and shall
 1892 also be and constitute securities eligible for deposit as
 1893 security for all state, municipal, or other public funds,
 1894 notwithstanding the provisions of any other law or laws to the
 1895 contrary.

1896 348.9816 Pledges enforceable by bondholders.--It is the
 1897 express intention of this part that any pledge by the department
 1898 of rates, fees, revenues, Osceola County gasoline tax funds, or
 1899 other funds, as rentals, to the authority, or any covenants or
 1900 agreements relative thereto, may be enforceable in any court of
 1901 competent jurisdiction against the authority or directly against
 1902 the department by any holder of bonds issued by the authority.

1903 348.9817 This part complete and additional authority.--

1904 (1) The powers conferred by this part shall be in addition
 1905 and supplemental to the existing powers of the board and the
 1906 department, and this part shall not be construed as repealing
 1907 any of the provisions of any other law, general, special, or
 1908 local, but to supersede such other laws in the exercise of the
 1909 powers provided in this part and to provide a complete method
 1910 for the exercise of the powers granted in this part. The
 1911 extension and improvement of the Osceola County Expressway
 1912 System and the issuance of bonds hereunder to finance all or
 1913 part of the cost thereof may be accomplished upon compliance
 1914 with the provisions of this part without regard to or necessity

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1915 for compliance with the provisions, limitations, or restrictions
 1916 contained in any other general, special, or local law,
 1917 including, but not limited to, s. 215.821. No approval of any
 1918 bonds issued under this part by the qualified electors or
 1919 qualified electors who are freeholders in the state or in
 1920 Osceola County or in any other political subdivision of the
 1921 state shall be required for the issuance of such bonds pursuant
 1922 to this part.

1923 (2) This part shall not be deemed to repeal, rescind, or
 1924 modify the Osceola County Charter. This part shall not be deemed
 1925 to repeal, rescind, or modify any other law relating to the
 1926 State Board of Administration, the Department of Transportation,
 1927 or the Division of Bond Finance of the State Board of
 1928 Administration but shall be deemed to and shall supersede such
 1929 other laws as are inconsistent with the provisions of this part,
 1930 including, but not limited to, s. 215.821.

1931 Section 20. Paragraph (b) of subsection (7) of section
 1932 373.036, Florida Statutes, is amended to read:

1933 373.036 Florida water plan; district water management
 1934 plans.--

1935 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
 1936 REPORT.--

1937 (b) The consolidated annual report shall contain the
 1938 following elements, as appropriate to that water management
 1939 district:

1940 1. A district water management plan annual report or the
 1941 annual work plan report allowed in subparagraph (2)(e)4.

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1942 2. The department-approved minimum flows and levels annual
1943 priority list and schedule required by s. 373.042(2).

1944 3. The annual 5-year capital improvements plan required by
1945 s. 373.536(6)(a)3.

1946 4. The alternative water supplies annual report required
1947 by s. 373.1961(2)(k).

1948 5. The final annual 5-year water resource development work
1949 program required by s. 373.536(6)(a)4.

1950 6. The Florida Forever Water Management District Work Plan
1951 annual report required by s. 373.199(7).

1952 7. The mitigation donation annual report required by s.
1953 373.414(1)(c)~~(b)~~2.

1954 Section 21. Subsection (12) is added to section 373.406,
1955 Florida Statutes, to read:

1956 373.406 Exemptions.--The following exemptions shall apply:

1957 (12) Department of Transportation projects and activities
1958 described in s. 373.4146(1) are exempt from regulation under
1959 this part and from any rule, manual, or order adopted under this
1960 part.

1961 Section 22. Paragraph (e) of subsection (6) and subsection
1962 (7) of section 373.4135, Florida Statutes, are amended to read:

1963 373.4135 Mitigation banks and offsite regional
1964 mitigation.--

1965 (6) An environmental creation, preservation, enhancement,
1966 or restoration project, including regional offsite mitigation
1967 areas, for which money is donated or paid as mitigation, that is
1968 sponsored by the department, a water management district, or a
1969 local government and provides mitigation for five or more

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1970 applicants for permits under this part, or for 35 or more acres
 1971 of adverse impacts, shall be established and operated under a
 1972 memorandum of agreement. The memorandum of agreement shall be
 1973 between the governmental entity proposing the mitigation project
 1974 and the department or water management district, as appropriate.
 1975 Such memorandum of agreement need not be adopted by rule. For
 1976 the purposes of this subsection, one creation, preservation,
 1977 enhancement, or restoration project shall mean one or more
 1978 parcels of land with similar ecological communities that are
 1979 intended to be created, preserved, enhanced, or restored under a
 1980 common scheme.

1981 (e) Projects governed by this subsection, except for
 1982 projects established pursuant to subsection (7), shall be
 1983 subject to the provisions of s. 373.414(1) (c) ~~(b)~~-1.

1984 (7) The department, water management districts, and local
 1985 governments may elect to establish and manage mitigation sites,
 1986 including regional offsite mitigation areas, or contract with
 1987 permitted mitigation banks, to provide mitigation options for
 1988 private single-family lots or homeowners. The department, water
 1989 management districts, and local governments shall provide a
 1990 written notice of their election under this subsection by United
 1991 States mail to those individuals who have requested, in writing,
 1992 to receive such notice. The use of mitigation options
 1993 established under this subsection are not subject to the full-
 1994 cost-accounting provision of s. 373.414(1) (c) ~~(b)~~-1. To use a
 1995 mitigation option established under this subsection, the
 1996 applicant for a permit under this part must be a private,
 1997 single-family lot or homeowner, and the land upon which the

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1998 | adverse impact is located must be intended for use as a single-
1999 | family residence by the current owner. The applicant must not be
2000 | a corporation, partnership, or other business entity. However,
2001 | the provisions of this subsection shall not apply to other
2002 | entities that establish offsite regional mitigation as defined
2003 | in this section and s. 373.403.

2004 | Section 23. Paragraph (d) of subsection (6) of section
2005 | 373.4136, Florida Statutes, is amended to read:

2006 | 373.4136 Establishment and operation of mitigation
2007 | banks.--

2008 | (6) MITIGATION SERVICE AREA.--The department or water
2009 | management district shall establish a mitigation service area
2010 | for each mitigation bank permit. The department or water
2011 | management district shall notify and consider comments received
2012 | on the proposed mitigation service area from each local
2013 | government within the proposed mitigation service area. Except
2014 | as provided herein, mitigation credits may be withdrawn and used
2015 | only to offset adverse impacts in the mitigation service area.
2016 | The boundaries of the mitigation service area shall depend upon
2017 | the geographic area where the mitigation bank could reasonably
2018 | be expected to offset adverse impacts. Mitigation service areas
2019 | may overlap, and mitigation service areas for two or more
2020 | mitigation banks may be approved for a regional watershed.

2021 | (d) If the requirements in s. 373.414(1) (c) ~~(b)~~ and (8) are
2022 | met, the following projects or activities regulated under this
2023 | part shall be eligible to use a mitigation bank, regardless of
2024 | whether they are located within the mitigation service area:

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2025 | 1. Projects with adverse impacts partially located within
2026 | the mitigation service area.

2027 | 2. Linear projects, such as roadways, transmission lines,
2028 | distribution lines, pipelines, or railways.

2029 | 3. Projects with total adverse impacts of less than 1 acre
2030 | in size.

2031 | Section 24. Paragraphs (b) and (c) of subsection (1) of
2032 | section 373.414, Florida Statutes, are redesignated as
2033 | paragraphs (c) and (d), respectively, and a new paragraph (b) is
2034 | added to that subsection to read:

2035 | 373.414 Additional criteria for activities in surface
2036 | waters and wetlands.--

2037 | (1) As part of an applicant's demonstration that an
2038 | activity regulated under this part will not be harmful to the
2039 | water resources or will not be inconsistent with the overall
2040 | objectives of the district, the governing board or the
2041 | department shall require the applicant to provide reasonable
2042 | assurance that state water quality standards applicable to
2043 | waters as defined in s. 403.031(13) will not be violated and
2044 | reasonable assurance that such activity in, on, or over surface
2045 | waters or wetlands, as delineated in s. 373.421(1), is not
2046 | contrary to the public interest. However, if such an activity
2047 | significantly degrades or is within an Outstanding Florida
2048 | Water, as provided by department rule, the applicant must
2049 | provide reasonable assurance that the proposed activity will be
2050 | clearly in the public interest.

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2051 (b) Department of Transportation projects and activities
 2052 described in s. 373.4146(1) are exempt from the public-interest
 2053 criteria of this subsection.

2054 Section 25. Subsection (7) is added to section 373.4145,
 2055 Florida Statutes, to read:

2056 373.4145 Interim part IV permitting program for the
 2057 Northwest Florida Water Management District.--

2058 (7) Department of Transportation projects and activities
 2059 described in s. 373.4146(1) are exempt from the provisions of
 2060 this section and from any rules, manuals, or orders adopted
 2061 under this section.

2062 Section 26. Section 373.4146, Florida Statutes, is created
 2063 to read:

2064 373.4146 Permitting exemptions for Department of
 2065 Transportation projects; establishment of permit thresholds.--

2066 (1) The following state transportation projects and
 2067 activities are exempt from regulation under this part and from
 2068 any rule, manual, or order adopted under this part:

2069 (a) Resurfacing, restoration, and rehabilitation work on
 2070 existing highways to extend the service life or enhance highway
 2071 safety, including, but not limited to, widening existing lanes,
 2072 improving shoulders, and extending existing culverts or drainage
 2073 structures to meet current highway safety standards, but not
 2074 including increasing the number of through-travel lanes.

2075 (b) In-kind bridge replacement with the same number of
 2076 through-travel lanes designed to current safety standards, and
 2077 associated approach roadway work.

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2078 (c) Intersection improvements, including the addition or
2079 extension of turn lanes and median crossings.

2080 (d) Addition of pedestrian and bicycle facilities to
2081 existing highways.

2082 (2) The following provisions apply to all state
2083 transportation projects regulated under this part:

2084 (a) As long as the stormwater discharge meets water
2085 quality standards of the receiving waters, the Department of
2086 Transportation is not required to determine or be limited to the
2087 existing discharge rate for discharges to tidally controlled
2088 bodies of water for any state transportation project as long as
2089 the discharge rate post project does not exceed the preproject
2090 discharge rate by 30 percent.

2091 (b) Any state transportation project that has undergone
2092 review pursuant to a process approved under 23 U.S.C. s. 6002
2093 will be deemed to have satisfied the cumulative impact review
2094 required pursuant to s. 373.414(8)(a).

2095 (c) State transportation projects are exempt from project
2096 size acreage thresholds for general permits under this part.

2097 (d) State transportation projects with less than 5 acres
2098 of wetland impacts may obtain general permits under this part.

2099 (e) Stormwater treatment facilities for state
2100 transportation projects shall not be subject to minimum width or
2101 acreage restrictions.

2102 (3) By January 1, 2007, the department, the water
2103 management districts, and the Department of Transportation shall
2104 develop a memorandum of understanding governing the use, and the
2105 granting of such use, of sovereign submerged or other state-

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2106 owned lands pursuant to chapter 253 or chapter 258 for state
2107 transportation projects. The memorandum of understanding shall
2108 address engineering techniques to minimize the project's
2109 environmental impacts, mitigation of unavoidable environmental
2110 impacts, and other related issues.

2111 (4) By July 1, 2007, the department, the water management
2112 districts, and the Department of Transportation shall jointly
2113 develop a memorandum of understanding describing a method for
2114 determining the seasonal high groundwater table elevation to be
2115 used by the department and the water management districts when
2116 permitting state transportation projects under this part.

2117 (5) By July 1, 2008, the department, the water management
2118 districts, and the Department of Transportation shall research
2119 and identify the specific constituents of highway stormwater
2120 runoff and shall jointly develop a memorandum of understanding
2121 containing best management practices to treat or minimize these
2122 identified constituents. These best management practices shall
2123 be deemed sufficient to satisfy water treatment requirements for
2124 permits required by this part.

2125 Section 27. Paragraph (d) of subsection (2) of section
2126 348.0003, Florida Statutes, is amended to read:

2127 348.0003 Expressway authority; formation; membership.--

2128 (2) The governing body of an authority shall consist of
2129 not fewer than five nor more than nine voting members. The
2130 district secretary of the affected department district shall
2131 serve as a nonvoting member of the governing body of each
2132 authority located within the district. Each member of the
2133 governing body must at all times during his or her term of

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2134 office be a permanent resident of the county which he or she is
2135 appointed to represent.

2136 (d) Notwithstanding any provision to the contrary in this
2137 subsection, in any county as defined in s. 125.011(1), the
2138 governing body of an authority shall consist of seven voting ~~up~~
2139 ~~to 13~~ members and two nonvoting members, and the following
2140 provisions of this paragraph shall apply specifically to such
2141 authority. ~~Two~~ Except for the district secretary of the
2142 ~~department, the members must be residents of the county. Seven~~
2143 voting members shall be county commissioners appointed by the
2144 chair of the governing body of the county. One voting member
2145 shall be a mayor of a municipality within the county at all
2146 times while serving on the authority and shall be appointed by
2147 the Miami-Dade County League of Cities. Four ~~At the discretion~~
2148 ~~of the governing body of the county, up to two of the members~~
2149 ~~appointed by the governing body of the county may be elected~~
2150 ~~officials residing in the county. Five~~ voting members of the
2151 authority shall be appointed by the Governor and must be
2152 residents of the county or municipality at all times while
2153 serving. The Governor's appointees shall not be elected or
2154 appointed officials or employees of the county or of a
2155 municipality within the county. One member shall be The district
2156 secretary of the department serving in the district that
2157 contains such county shall be a nonvoting member of the
2158 authority. One member shall be the chair of the Miami-Dade
2159 legislative delegation, or another member of the delegation
2160 appointed by the chair, and shall be a nonvoting member of the
2161 authority. This member shall be an ex officio voting member of

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2162 ~~the authority. If the governing board of an authority includes~~
 2163 ~~any member originally appointed by the governing body of the~~
 2164 ~~county as a nonvoting member, when the term of such member~~
 2165 ~~expires, that member shall be replaced by a member appointed by~~
 2166 ~~the Governor until the governing body of the authority is~~
 2167 ~~composed of seven members appointed by the governing body of the~~
 2168 ~~county and five members appointed by the Governor. The~~
 2169 qualifications, terms of office, and obligations and rights of
 2170 members of the authority shall be determined by resolution or
 2171 ordinance of the governing body of the county in a manner that
 2172 is consistent with subsections (3) and (4).

2173 Section 28. Paragraph (f) of subsection (2) and paragraphs
 2174 (a) and (h) of subsection (9) of section 348.0004, Florida
 2175 Statutes, are amended to read:

2176 348.0004 Purposes and powers.--

2177 (2) Each authority may exercise all powers necessary,
 2178 appurtenant, convenient, or incidental to the carrying out of
 2179 its purposes, including, but not limited to, the following
 2180 rights and powers:

2181 (f)1. To fix, alter, charge, establish, and collect tolls,
 2182 rates, fees, rentals, and other charges for the services and
 2183 facilities system, which tolls, rates, fees, rentals, and other
 2184 charges must always be sufficient to comply with any covenants
 2185 made with the holders of any bonds issued pursuant to the
 2186 Florida Expressway Authority Act. However, such right and power
 2187 may be assigned or delegated by the authority to the department.
 2188 Notwithstanding s. 338.165 or any other provision of law to the
 2189 contrary, in any county as defined in s. 125.011(1), to the

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2190 extent surplus revenues exist, they may be used for purposes
2191 enumerated in subsection (7), provided the expenditures are
2192 consistent with the metropolitan planning organization's adopted
2193 long-range plan. Notwithstanding any other provision of law to
2194 the contrary, but subject to any contractual requirements
2195 contained in documents securing any outstanding indebtedness
2196 payable from tolls, in any county as defined in s. 125.011(1),
2197 the board of county commissioners may, by ordinance adopted on
2198 or before September 30, 1999, alter or abolish existing tolls
2199 and currently approved increases thereto if the board provides a
2200 local source of funding to the county expressway system for
2201 transportation in an amount sufficient to replace revenues
2202 necessary to meet bond obligations secured by such tolls and
2203 increases.

2204 2. Prior to raising tolls, whether paid by cash or
2205 electronic toll collection, an expressway authority in any
2206 county as defined in s. 125.011(1) shall publish a notice of the
2207 intent to raise tolls in a newspaper of general circulation, as
2208 defined in s. 97.021(18), in the county. The notice shall
2209 provide the amount of increase to be implemented for cash
2210 payment, electronic payment, or both, as applicable. The notice
2211 also shall provide a postal address, an electronic mail or
2212 Internet address, and a local telephone number for the purpose
2213 of receiving public comment on the issue of the toll increase.
2214 The notice shall be published two times, at least 7 days apart,
2215 with the first publication occurring not more than 90 days prior
2216 to the proposed effective date of the toll increase and the
2217 second publication occurring not fewer than 60 days prior to the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2218 proposed effective date of the toll increase. The provisions of
 2219 this subparagraph shall not apply to any change in the toll rate
 2220 for the use of any portion of the expressway system that has
 2221 been approved by this authority prior to July 1, 2006.

2222 (9) The Legislature declares that there is a public need
 2223 for rapid construction of safe and efficient transportation
 2224 facilities for travel within the state and that it is in the
 2225 public's interest to provide for public-private partnership
 2226 agreements to effectuate the construction of additional safe,
 2227 convenient, and economical transportation facilities.

2228 (a) Notwithstanding any other provision of law to the
 2229 contrary ~~the Florida Expressway Authority Act~~, any expressway
 2230 authority, transportation authority, bridge authority, or toll
 2231 authority established by statute or under this part may receive
 2232 or solicit proposals and enter into agreements with private
 2233 entities, or consortia thereof, for the building, operation,
 2234 ownership, or financing of expressway authority transportation
 2235 facilities or new transportation facilities within the
 2236 jurisdiction of the expressway authority. An expressway
 2237 authority is authorized to adopt rules to implement this
 2238 subsection and shall, by rule, establish an application fee for
 2239 the submission of unsolicited proposals under this subsection.
 2240 The fee must be sufficient to pay the costs of evaluating the
 2241 proposals. An expressway authority may engage private
 2242 consultants to assist in the evaluation. Before approval, an
 2243 expressway authority must determine that a proposed project:

2244 1. Is in the public's best interest.

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2245 2. Would not require state funds to be used unless the
2246 project is on or provides increased mobility on the State
2247 Highway System.

2248 3. Would have adequate safeguards to ensure that no
2249 additional costs or service disruptions would be realized by the
2250 traveling public and citizens of the state in the event of
2251 default or the cancellation of the agreement by the expressway
2252 authority.

2253 (h) Except as herein provided, this subsection is not
2254 intended to amend existing laws by granting additional powers to
2255 or further restricting the governmental entities from regulating
2256 and entering into cooperative arrangements with the private
2257 sector for the planning, construction, and operation of
2258 transportation facilities. Use of the powers granted in this
2259 subsection by a statutorily created expressway authority,
2260 transportation authority, bridge authority, or toll authority,
2261 except one statutorily created under this part, shall not be
2262 subject to any of the requirements of this part except those
2263 contained in this subsection.

2264 Section 29. Subsection (6) is added to section 348.754,
2265 Florida Statutes, to read:

2266 348.754 Purposes and powers.--

2267 (6) (a) Notwithstanding s. 255.05, the Orlando-Orange
2268 County Expressway Authority may waive payment and performance
2269 bonds on construction contracts for the construction of a public
2270 building, for the prosecution and completion of a public work,
2271 or for repairs on a public building or public work that has a
2272 cost of \$500,000 or less and when the project is awarded

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2273 pursuant to an economic development program for the
 2274 encouragement of local small businesses that has been adopted by
 2275 the governing body of the Orlando-Orange County Expressway
 2276 Authority pursuant to a resolution or policy.

2277 (b) The authority's adopted criteria for participation in
 2278 the economic development program for local small businesses
 2279 requires that a participant:

2280 1. Be an independent business.

2281 2. Be principally domiciled in the Orange County Standard
 2282 Metropolitan Statistical Area.

2283 3. Employ 25 or fewer full-time employees.

2284 4. Have gross annual sales averaging \$3 million or less
 2285 over the immediately preceding 3 calendar years with regard to
 2286 any construction element of the program.

2287 5. Be accepted as a participant in the Orlando-Orange
 2288 County Expressway Authority's microcontracts program or such
 2289 other small business program as may be hereinafter enacted by
 2290 the Orlando-Orange County Expressway Authority.

2291 6. Participate in an educational curriculum or technical
 2292 assistance program for business development that will assist the
 2293 small business in becoming eligible for bonding.

2294 (c) The authority's adopted procedures for waiving payment
 2295 and performance bonds on projects with values not less than
 2296 \$200,000 and not exceeding \$500,000 shall provide that payment
 2297 and performance bonds may only be waived on projects that have
 2298 been set aside to be competitively bid on by participants in an
 2299 economic development program for local small businesses. The
 2300 authority's executive director or his or her designee shall

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2301 determine whether specific construction projects are suitable
2302 for:

2303 1. Bidding under the authority's microcontracts program by
2304 registered local small businesses; and

2305 2. Waiver of the payment and performance bond.

2306
2307 The decision of the authority's executive director or deputy
2308 executive director to waive the payment and performance bond
2309 shall be based upon his or her investigation and conclusion that
2310 there exists sufficient competition so that the authority
2311 receives a fair price and does not undertake any unusual risk
2312 with respect to such project.

2313 (d) For any contract for which a payment and performance
2314 bond has been waived pursuant to the authority set forth in this
2315 section, the Orlando-Orange County Expressway Authority shall
2316 pay all persons defined in s. 713.01 who furnish labor,
2317 services, or materials for the prosecution of the work provided
2318 for in the contract to the same extent and upon the same
2319 conditions that a surety on the payment bond under s. 255.05
2320 would have been obligated to pay such persons if the payment and
2321 performance bond had not been waived. The authority shall record
2322 notice of this obligation in the manner and location that surety
2323 bonds are recorded. The notice shall include the information
2324 describing the contract that s. 255.05(1) requires be stated on
2325 the front page of the bond. Notwithstanding that s. 255.05(9)
2326 generally applies when a performance and payment bond is
2327 required, s. 255.05(9) shall apply under this subsection to any
2328 contract on which performance or payment bonds are waived and

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2329 any claim to payment under this subsection shall be treated as a
2330 contract claim pursuant to s. 255.05(9).

2331 (e) A small business that has been the successful bidder
2332 on six projects for which the payment and performance bond was
2333 waived by the authority pursuant to paragraph (a) shall be
2334 ineligible to bid on additional projects for which the payment
2335 and performance bond is to be waived. The local small business
2336 may continue to participate in other elements of the economic
2337 development program for local small businesses as long as it is
2338 eligible.

2339 (f) The authority shall conduct bond eligibility training
2340 for businesses qualifying for bond waiver under this subsection
2341 to encourage and promote bond eligibility for such businesses.

2342 (g) The authority shall prepare a biennial report on the
2343 activities undertaken pursuant to this subsection to be
2344 submitted to the Orange County legislative delegation. The
2345 initial report shall be due December 31, 2008.

2346 Section 30. Subsection (1) of section 212.055, Florida
2347 Statutes, is amended to read:

2348 212.055 Discretionary sales surtaxes; legislative intent;
2349 authorization and use of proceeds.--It is the legislative intent
2350 that any authorization for imposition of a discretionary sales
2351 surtax shall be published in the Florida Statutes as a
2352 subsection of this section, irrespective of the duration of the
2353 levy. Each enactment shall specify the types of counties
2354 authorized to levy; the rate or rates which may be imposed; the
2355 maximum length of time the surtax may be imposed, if any; the
2356 procedure which must be followed to secure voter approval, if

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2357 required; the purpose for which the proceeds may be expended;
 2358 and such other requirements as the Legislature may provide.
 2359 Taxable transactions and administrative procedures shall be as
 2360 provided in s. 212.054.

2361 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM SURTAX.--

2362 (a) The governing authority in each ~~charter~~ county ~~which~~
 2363 ~~adopted a charter prior to January 1, 1984, and each county the~~
 2364 ~~government of which is consolidated with that of one or more~~
 2365 ~~municipalities,~~ may levy a discretionary sales surtax pursuant
 2366 to an ordinance enacted by a majority of the members of the
 2367 county governing authority and, subject to approval by a
 2368 majority vote of the electorate of the county ~~or by a charter~~
 2369 ~~amendment approved by a majority vote of the electorate of the~~
 2370 ~~county.~~

2371 (b) The rate shall be up to 1 percent.

2372 (c) The proposal to adopt a discretionary sales surtax as
 2373 provided in this subsection ~~and to create a trust fund within~~
 2374 ~~the county accounts~~ shall be placed on the ballot in accordance
 2375 with law at a time to be set at the discretion of the governing
 2376 body of the county.

2377 (d) Proceeds from the surtax shall be distributed to the
 2378 county and to each municipality within the county in which the
 2379 surtax is collected, according to:

2380 1. A separate interlocal agreement between the county
 2381 governing body and the governing body of any municipality within
 2382 the county; or

2383 2. If there is no interlocal agreement between the county
 2384 governing body and the governing body of any municipality within

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2385 | the county, the proceeds shall be distributed according to an
 2386 | apportionment factor for each eligible local government as
 2387 | specified in this subparagraph.

2388 | a. The apportionment factor for an eligible county shall
 2389 | be composed of two equally weighted portions as follows:

2390 | (I) Each eligible county's population in the
 2391 | unincorporated areas of the county as a percentage of the total
 2392 | county population as determined pursuant to s. 186.901.

2393 | (II) Each eligible county's percentage of centerline miles
 2394 | derived from the combined total number of centerline miles owned
 2395 | and maintained by the county and each municipality within the
 2396 | county as annually reported in the City/County Mileage Report
 2397 | promulgated by the Transportation Statistics Office within the
 2398 | Department of Transportation.

2399 | b. The apportionment factor for an eligible municipality
 2400 | shall be composed of two equally weighted portions as follows:

2401 | (I) Each eligible municipality's population as a
 2402 | percentage of the total county population as determined pursuant
 2403 | to s. 186.901.

2404 | (II) Each eligible municipality's percentage of centerline
 2405 | miles derived from the combined total number of centerline miles
 2406 | owned and maintained by the county and each municipality within
 2407 | the county as annually reported in the City/County Mileage
 2408 | Report promulgated by the Transportation Statistics Office
 2409 | within the Department of Transportation.

2410 | (e) A charter county that has adopted a surtax pursuant to
 2411 | this subsection by referendum as of July 1, 2006, shall not be
 2412 | required to distribute surtax proceeds pursuant to paragraph (d)

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2413 but shall follow the procedures established in paragraph (f).
 2414 Each charter county that adopted a charter prior to January 1,
 2415 1984, and each county the government of which is consolidated
 2416 with that of one or more municipalities, that adopts a surtax
 2417 pursuant to this subsection by referendum after July 1, 2006,
 2418 shall not be required to distribute surtax proceeds pursuant to
 2419 paragraph (d) but shall follow the procedures established in
 2420 paragraph (f). Pursuant to an interlocal agreement entered into
 2421 pursuant to chapter 163, the governing body of the charter
 2422 county may distribute proceeds from the tax to a municipality,
 2423 or an expressway or transportation authority created by law, to
 2424 be expended for the purposes authorized by paragraph (f).
 2425 Interlocal agreements entered into as of July 1, 2006, pursuant
 2426 to chapter 163 by the governing body of the county to distribute
 2427 proceeds from the tax to a municipality or an expressway or
 2428 transportation authority created by law shall not be affected by
 2429 the changes made to this subsection by this act effective July
 2430 1, 2006.

2431 (f) Proceeds from the surtax shall be applied to as many
 2432 or as few of the uses enumerated below in whatever combination
 2433 the governing body of the municipality or the county ~~commission~~
 2434 deems appropriate:

2435 1. Deposited by the governing body of the municipality or
 2436 the county in the trust fund and shall be used for the purposes
 2437 of development, construction, equipment, maintenance, operation,
 2438 supportive services, including a ~~countywide~~ bus system, and
 2439 related costs of a fixed guideway rapid transit system.†

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2440 2. Remitted by the governing body of the municipality or
 2441 county to an expressway or transportation authority created by
 2442 law to be used, at the discretion of such authority, for the
 2443 development, construction, operation, or maintenance of roads,
 2444 bicycle and pedestrian facilities, or bridges in the county or
 2445 municipality, for the operation and maintenance of a bus system,
 2446 for the payment of principal and interest on existing bonds
 2447 issued for the construction of such roads, bicycle or pedestrian
 2448 facilities, or bridges, and, upon approval by the governing body
 2449 of the municipality or county commission, such proceeds may be
 2450 pledged for bonds issued to refinance existing bonds or new
 2451 bonds issued for the construction of such roads or bridges.†

2452 ~~3. Used by the charter county for the development,~~
 2453 ~~construction, operation, and maintenance of roads and bridges in~~
 2454 ~~the county; for the expansion, operation, and maintenance of bus~~
 2455 ~~and fixed guideway systems; and for the payment of principal and~~
 2456 ~~interest on bonds issued for the construction of fixed guideway~~
 2457 ~~rapid transit systems, bus systems, roads, or bridges; and such~~
 2458 ~~proceeds may be pledged by the governing body of the county for~~
 2459 ~~bonds issued to refinance existing bonds or new bonds issued for~~
 2460 ~~the construction of such fixed guideway rapid transit systems,~~
 2461 ~~bus systems, roads, or bridges and no more than 25 percent used~~
 2462 ~~for nontransit uses; and~~

2463 ~~3.4.~~ Used by the governing body of the municipality or
 2464 ~~charter~~ county for the planning, development, construction,
 2465 operation, and maintenance of roads, bicycle and pedestrian
 2466 facilities, and bridges in the county; for the planning,
 2467 development, expansion, operation, and maintenance of bus and

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2468 fixed guideway systems; and for the payment of principal and
 2469 interest on bonds issued for the construction of fixed guideway
 2470 rapid transit systems, bus systems, roads, bicycle and
 2471 pedestrian facilities, or bridges; and such proceeds may be
 2472 pledged by the governing body of the municipality or county for
 2473 bonds issued to refinance existing bonds or new bonds issued for
 2474 the construction of such fixed guideway rapid transit systems,
 2475 bus systems, roads, bicycle and pedestrian facilities, or
 2476 bridges. ~~Pursuant to an interlocal agreement entered into~~
 2477 ~~pursuant to chapter 163, the governing body of the charter~~
 2478 ~~county may distribute proceeds from the tax to a municipality,~~
 2479 ~~or an expressway or transportation authority created by law to~~
 2480 ~~be expended for the purpose authorized by this paragraph.~~

2481 4. Used by the county or municipality to fund regionally
 2482 significant transportation projects identified in a regional
 2483 transportation plan developed in accordance with s. 339.155(5)
 2484 or to provide matching funds for the Transportation Regional
 2485 Incentive Program in accordance with s. 339.2819 or the New
 2486 Starts Transit Program as provided in s. 341.051.

2487 5. Used by the county or municipality to fund projects
 2488 identified in a capital improvements element of a comprehensive
 2489 plan that has been determined to be in compliance with part II
 2490 of chapter 163 or to implement a long-term concurrency
 2491 management system adopted by a local government in accordance
 2492 with s. 163.3177(3) or (9).

2493 Section 31. Department of Transportation study of
 2494 transportation facilities providing access to pari-mutuel

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2495 facilities and Indian reservations; report and
2496 recommendations.--

2497 (1) The Department of Transportation is directed to
2498 conduct a study of the impacts that slot machine gaming at pari-
2499 mutuel facilities and on Indian reservation lands is having on
2500 public roads and other transportation facilities, regarding
2501 traffic congestion and other mobility issues, facility
2502 maintenance and repair costs, emergency evacuation readiness,
2503 and costs of potential future widening or other improvements,
2504 and of other impacts on the motoring, nongaming public.

2505 (2) The study shall include, but is not limited to, the
2506 following information:

2507 (a) A listing, description, and functional classification
2508 of the access roads to and from pari-mutuel facilities and
2509 Indian reservations that conduct slot machine gaming in the
2510 state.

2511 (b) An identification of the access roads identified under
2512 paragraph (a) that are either scheduled for improvements within
2513 the Department of Transportation's 5-year work program or are
2514 listed on the 20-year, long-range transportation plan of the
2515 department or a metropolitan planning organization.

2516 (c) The most recent traffic counts on the access roads and
2517 projected future usage, as well as any projections of impacts on
2518 secondary, feeder, or connector roads, interstate highway exit
2519 and entrance ramps, or other area transportation facilities.

2520 (d) The safety and maintenance ratings of each access road
2521 and a detailed review of impacts on the ability of local and

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2522 state emergency management agencies to provide emergency or
2523 evacuation services.

2524 (e) The estimated infrastructure costs to maintain,
2525 improve, or widen these access roads based on future projected
2526 needs.

2527 (f) The feasibility of implementing tolls on these access
2528 roads or, if already tolled, raising the toll to offset and
2529 mitigate the impacts of traffic generated by pari-mutuel
2530 facility and Indian reservation slot machine gaming activities
2531 on nontribal communities in the state and to finance projected
2532 future improvements to the access roads.

2533 (3) The department shall present its findings and
2534 recommendations in a report to be submitted to the Governor, the
2535 President of the Senate, and the Speaker of the House of
2536 Representatives by January 15, 2007. The report may include any
2537 department recommendations for proposed legislation.

2538 Section 32. This act shall take effect July 1, 2006.